

# FEDERAL REGISTER

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## Regulations

### TITLE 6—AGRICULTURAL CREDIT Chapter II—War Food Administration (Commodity Credit)

[1943 CCC Peanut Butter Form 1]

#### PART 244—OFFER TO MAKE PEANUT BUTTER DISTRIBUTION PAYMENTS

In order to insure the maximum necessary production and distribution of peanut butter and to maintain prices of peanut butter to consumers at the level of September 1942, as directed by the Director of Economic Stabilization, pursuant to Executive Order 9250 of October 3, 1942, and Executive Order 9328 of April 8, 1943, the Commodity Credit Corporation, Washington, D. C., a corporate agency of the United States (hereinafter called "Commodity"), hereby offers to make peanut butter distribution payments to manufacturers of eligible peanut butter upon the terms and conditions hereinafter specified:

Sec.	Definitions.
244.1	Persons eligible to apply for payment.
244.2	Eligible peanut butter.
244.3	Refunds.
244.4	Rate of payment.
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244.6	Applications for payment.
244.7	Books, records and reports.
244.8	Instructions and interpretations.
244.9	Termination.
244.10	Effective date.

**AUTHORITY:** §§ 244.1 to 244.11, inclusive issued under 49 Stat. 4, 50 Stat. 5, 53 Stat. 510, 55 Stat. 498, 57 Stat. 566; 15 U.S.C. and Sup. 713; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 244.1 *Definitions.* For the purpose of this offer:

(a) "Person" means any individual, partnership, cooperative, corporation, association or other business entity.

(b) "Manufacturer" means a person who physically processes peanuts into peanut butter.

(c) "Primary distributor" means a distributor other than a wholesaler, wagon wholesaler, or retailer who purchases peanut butter directly from a manufac-

turer and who customarily receives shipment from the manufacturer of at least 50 percent of his purchases in carload lots delivered to a warehouse or other receiving station not owned or controlled by any of his customers, and who resells such peanut butter in less than carload lots for civilian home consumption within the continental United States.

(d) "Wholesaler" means a person who buys peanut butter from manufacturers for resale to retailers for civilian home consumption within the continental United States.

(e) "Retailer" means a person who buys peanut butter from a manufacturer or wholesaler for resale to consumers for civilian home consumption within the continental United States.

(f) "Consumer" means a person who buys peanut butter for civilian home consumption in the continental United States, as distinguished from use by industrial, institutional, commercial or governmental agencies.

(g) "Applicant" means a manufacturer who files an application for payment pursuant to this offer.

(h) "Claim" means a claim for payment filed pursuant to this offer.

§ 244.2 *Persons eligible to apply for payment.* Any manufacturer who, during November 1943, or any subsequent calendar month, ships 500 pounds or more of eligible peanut butter may file with Commodity an application for payment hereunder with respect to the eligible peanut butter shipped during such month.

§ 244.3 *Eligible peanut butter.* (a) Eligible peanut butter shall (except as provided in (b) hereof) consist of:

(1) Peanut butter manufactured by the applicant which, on or after the effective date of this offer, is shipped in containers of 2-pound size or smaller by the applicant to primary distributors, wholesalers, or retailers for ultimate resale to consumers, and the price of which to such primary distributors, wholesalers, or retailers does not exceed the maximum prices established by Rev. MPR 335, as amended on October 29, 1943; and

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(2) Peanut butter manufactured by the applicant which, on or after the effective date of this offer, is shipped in containers of 2-pound size or smaller by the applicant from his manufacturing plant or branch warehouse(s) to his retail stores for resale to consumers at not more than the maximum prices established by Rev. MPR 335, as amended on October 29, 1943.

(b) Notwithstanding any other provision hereof, there shall be deducted from the quantity of peanut butter which would otherwise qualify as eligible peanut butter hereunder, the quantity of peanut butter which was shipped by the manufacturer, prior to the effective date of this offer, to a primary distributor, wholesaler, or retailer, or to the manufacturer's retail stores, and which, at any time while this offer remains in effect or within the 30-day period preceding the effective date of this offer, was shipped by such primary distributor, wholesaler, or retailer to the manufacturer or was shipped by the manufacturer to his manufacturing plant(s) or branch warehouse(s) from his retail stores.

§ 244.4 *Refunds.* The applicant shall refund to Commodity payments made to him with respect to eligible peanut butter which, after shipment, was rejected or returned to the applicant.

§ 244.5 *Rate of payment.* The rate of the payment hereunder shall be 4½ cents per pound of eligible peanut butter.

§ 244.6 *Basis of payment.* Payments hereunder will be made on the quantity of eligible peanut butter to the nearest whole pound.

§ 244.7 *Applications for payment—*  
(a) *Time of filing.* Applications for payment with respect to eligible peanut butter shipped by a manufacturer during any month shall be filed on or before the last day of the succeeding calendar month.

(b) *One application per month.* All eligible peanut butter shipped during any month shall be covered by a single application for payment.

(c) *Adjustment for returns or rejections.* To facilitate the refund to Commodity of payments made with respect to eligible peanut butter which, after shipment, was rejected or returned to the applicant, there shall be deducted from the quantity of eligible peanut butter covered by any monthly application for payment the quantity of peanut butter which was rejected or returned to the applicant during such month.

(d) *Form of application.* All applications for payment shall be filed in triplicate on forms prescribed by Commodity.<sup>1</sup>

(e) *Place of filing of applications.* Applications for payment hereunder shall be filed with the Commodity Credit Corporation at its nearest Regional Office at 333 St. Charles Street, New Orleans, Louisiana, 304 Artisans Building, 225 S. W. Broadway, Portland, Oregon, 208 South La Salle Street, Chicago, Illinois, or 60 Beaver Street, Cotton Exchange Building, New York, New York. After filing one application hereunder, all subsequent applications shall be filed by the applicant at the same regional office.

(f) *Persons to whom payments are to be made.* Payments will be made only to the persons who file applications with Commodity. No claim hereunder shall be assignable except as a part of a bona fide transfer of the applicant's business to a legal successor.

(g) *Terms of payment.* Payments shall be made monthly upon approval of the application filed hereunder. Approval and payment of any application shall not constitute final acceptance of the validity or amount of the claim represented thereby. On a finding that a claim is invalid, defective or incorrectly computed Commodity shall have the right to require restitution of any payment made hereunder or any part thereof or shall remit to or credit the applicant with the amount of any additional sum found to be due to the applicant. Any sums found to be due to Commodity shall be deductible from any accrued or subsequent claim for payment made by the applicant hereunder.

(h) *Right to declare claims invalid.* Commodity shall have the right to declare invalid in whole or in part any claim for payment where the claim or application for payment is not in accord-

<sup>1</sup> CCC Peanut Butter Form 2 filed with the Division of the Federal Register. Copies may be obtained from Commodity Credit Corporation.



ance with this offer or where the eligible peanut butter covered by such claim or application was manufactured, sold or delivered in violation of any order or regulation of the Office of Price Administration or the War Food Administration.

§ 244.8 *Books, records and reports.* Every applicant shall keep complete and accurate books, records and accounts with respect to all peanut butter manufactured by him and shipped by him subsequent to the effective date of this offer and shall furnish Commodity such information and shall make such reports as Commodity may from time to time request. At any time during the continuance of this offer or within two years after the date of filing of any application hereunder Commodity or its authorized representatives may audit or inspect the books, records and accounts of the applicant relating to applications filed with Commodity hereunder.

§ 244.9 *Instructions and interpretations.* Commodity shall have the right to supplement or clarify any provisions of this offer or alter any procedure prescribed herein at any time by the issuance of instructions or interpretations in connection herewith.

§ 244.10 *Termination.* Commodity reserves the right to amend or terminate this offer at any time upon public notice. Issuance by Commodity or the War Food Administration of a press release or the filing of the amendment or notice of termination with the FEDERAL REGISTER shall constitute sufficient notice of any amendment or termination of this offer by Commodity. The amendment or termination of this offer by Commodity shall not affect Commodity's obligations hereunder with respect to eligible peanut butter shipped prior to the effective date of such amendment or termination.

§ 244.11 *Effective date.* This offer shall become effective on November 1, 1943.

Signed, sealed and attested at Washington, D. C., this 29th day of October 1943.

[SEAL]

J. B. HUTSON,  
President.

Attest: ZELMA DAVIS,  
Assistant Secretary.

INSTRUCTIONS TO MANUFACTURERS OF PEANUT BUTTER RELATING TO FILING CLAIMS FOR PEANUT BUTTER DISTRIBUTION PAYMENTS UNDER OFFER OF COMMODITY CREDIT CORPORATION (1943 CCC PEANUT BUTTER FORM 2)

The following instructions are issued in order to obtain uniformity in the filing of claims and to expedite payments to manufacturers of peanut butter under the offer of Commodity Credit Corporation (1943 CCC Peanut Butter Form 1).

1. All claims must be filed in triplicate on 1943 CCC Peanut Butter Form 2. Manufacturers should have printed or mimeographed necessary supplies of this form. Care should be taken to see that the form is identical in all respects with the copy of 1943 CCC Peanut Butter Form 2 attached to the offer.

2. Manufacturers operating two or more plants may either file one claim for all plants or a separate claim for each plant. After filing one application, all subsequent applications must include the same plants.

3. Applications shall be filed with the Regional Office of Commodity Credit Corporation serving the State in which the applicant is located as shown below:

*Regional Office and States Served*

New York, N. Y.: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and North Carolina.

Chicago, Ill.: Ohio, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, North Dakota, and Colorado.

New Orleans, La.: South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, and Arizona.

Portland, Oreg.: Montana, Wyoming, Utah, Nevada, Idaho, California, Oregon, and Washington.

4. Particular attention is directed to section 3 (b) of the offer. In reporting the quantity of eligible peanut butter shipped during the month in 1 (a) of the table included in the application, the quantity used should be the net amount after deducting from shipments the amount of peanut butter returned as required in section 3(b) of the offer.

Dated: October 29, 1943.

G. E. RATHELL,  
Vice President.

[F. R. Doc. 43-18470; Filed, November 16, 1943;  
3:14 p. m.]

## TITLE 7—AGRICULTURE

### Chapter XI—War Food Administration (Distribution Orders)

[FDO 83, Amdt. 1]

#### PART 1405—FRUITS AND VEGETABLES APPLES

Food Distribution Order No. 83 (8 F.R. 13379) issued by the War Food Administrator on September 30, 1943, is hereby amended by deleting therefrom the provisions of § 1405.28 (b) (6) of said order and by inserting in lieu thereof the following:

(6) The Director may, from time to time, issue orders (i) applicable to any of the counties or areas, or portions thereof, described in (a) (2) hereof, or (ii) applicable to all apples grown in any of such counties or areas, or portions thereof, (a) prohibiting any person from shipping restricted apples or fresh-use apples or (b) prohibiting authorized processors from using any apples, unless such apples have been inspected by a representative of the Federal or the Federal-State inspection service: *Provided*, That the Director may, in any order, issued pursuant hereto, requiring inspection, as aforesaid, specify the conditions under which a particular lot or lots of apples need not be so inspected, even though inspection is required with respect to other apples. Each certificate issued by the Federal or the Federal-State inspection service in accordance with the provisions of this order shall set forth, unless additional or less information is required by the Director, the variety, grade, and size of the apples covered by such certificate. Each person subject to the provisions hereof, or of any order issued, as aforesaid, by the Director, shall submit promptly or

cause to be submitted promptly to the Director such Federal or such Federal-State inspection certificate issued with respect to each such inspection.

With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Food Distribution Order No. 83 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This amendment shall become effective at 12:01 a. m., e. w. t., November 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 10th day of November 1943.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 43-18260; Filed, November 11, 1943;  
4:34 p. m.]

[FDO 83-3]

#### PART 1405—FRUITS AND VEGETABLES

##### INSPECTION OF APPLES

Pursuant to the authority vested in me by Food Distribution Order No. 83 (8 F.R. 13379), issued by the War Food Administrator on September 30, 1943, as amended, and to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1405.41 *Inspection requirements—*  
(a) *Definitions.* Unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, each term defined in Food Distribution Order No. 83, as amended, shall, when used herein, have the same meaning as set forth in said order, as amended.

(b) *Inspection.* No authorized processor shall use any apples in any of the following specified counties, or use any apples grown in any of such counties, unless such apples have been inspected by a representative of the Federal or the Federal-State inspection service: The counties of Yakima, Benton, Kittitas, Walla Walla, Chelan, Okanogan, Columbia, Grant, Douglas, Stevens, Spokane, Skamania, Klickitat, or Asotin in the State of Washington; or the counties of Hood River, Wasco, Umatilla, or Union in the State of Oregon.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t. November 16, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 83, 8 F.R. 13379)

Issued this 12th day of November 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18345; Filed, November 13, 1943;  
3:58 p. m.]

[FDO 75, Amdt. 2]

#### PART 1410—LIVESTOCK AND MEATS

##### SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

Food Distribution Order No. 75, as amended (8 F.R. 11119, 14508), § 1410.15,



issued under authority of the War Food Administrator on August 9, 1943, is amended by deleting (b) and substituting in lieu thereof the following:

(b) *Restrictions upon slaughter and delivery—Exemptions.* Except as otherwise provided in this paragraph (b), no person shall, either for himself or for any other person, slaughter any livestock for meat production, and no slaughterer shall deliver meat, unless he holds a valid and effective license or permit under the provisions of this order.

(1) For the purpose of home consumption or for consumption by his farm employees who eat at his table or on his farm, any person may, without a license or permit, slaughter livestock or have livestock slaughtered for him in any case where, under regulations of the Office of Price Administration governing "Home Producers" (§ 3.1, § 3.4, Ration Order No. 16), as now in effect or hereafter amended, such person is not required to surrender ration points for the meat derived from such slaughter, and any farmer may, in any calendar year, deliver not over 400 pounds of such meat: *Provided*, That he first obtains a permit authorizing such delivery.

(2) From November 17, 1943, to February 17, 1944, any farmer may, without a license or a permit, slaughter on his farm swine owned by him and deliver the meat derived therefrom.

This order shall become effective at 12:01 a. m., e. w. t., November 17, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75, as amended, prior to the effective date of this amendment, all provisions of said Food Distribution Order No. 75, as amended, in effect prior to this amendment, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 16th day of November 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-18491; Filed, November 17, 1943;  
11:16 a. m.]

## TITLE 17—SECURITIES AND COM-MODITY EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 230—SECURITIES ACT OF 1933, GENERAL RULES AND REGULATIONS

##### AMENDMENT OF INSTRUCTION BOOK

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Act, hereby amends the instruction book for

Form A-2 for corporations to read as set forth in copies thereof marked "As amended to and including October 15, 1943".<sup>1</sup>

Effective November 13, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-18509; Filed, November 17, 1943;  
11:43 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

#### Subchapter A—General Provisions

##### PART 903—DELEGATIONS OF AUTHORITY

[Revocation of Supplementary Directive 1-W]

#### RATIONING OF ANTHRACITE COAL

Section 903.43 *Supplementary Directive 1-W*, dated August 27, 1943, is hereby revoked.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 17th day of November 1943.

DONALD M. NELSON,  
Chairman.

[F. R. Doc. 43-18499; Filed, November 17, 1943;  
11:33 a. m.]

#### Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

##### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, as Amended Nov. 17, 1943]

§ 944.23 *Priorities Regulation 3—(a) Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all or for which certain kinds of ratings may not be used. In general this regulation should be consulted before using a rating whether it was gotten directly from the War Production Board or from a customer.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the War Production Board or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is

authorized by the War Production Board rates an order for delivery of material directly to it or for performance of services directly for it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs (as is done in the schedules to CMP Regulation 5), that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a War Production Board order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) A manufacturer of Class B products under the Controlled Materials plan and a holder of Form WPB-2613 (formerly PD-870) may not extend his customers' ratings (except AAA) as explained in more detail in CMP Regulation 3 and in Priorities Regulation 11B.

(2) When a person has received a rated order for the delivery of material, he may extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on a rated order, he may extend the rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the rating may be extended to get only the amount necessary to restore the inven-

<sup>1</sup> Instruction book filed as part of original document.



tory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design. Substitution of less scarce materials which do not substantially alter the purpose for which the material is to be used is, however, permitted. The Conservation Division of the War Production Board from time to time publishes a list showing the relative scarcity of materials, entitled "Materials Substitution and Supply List." The latest copy may be obtained from any War Production Board office.

(4) A person to whom a rating has been applied or extended to get material may not extend that rating to get containers or closures to pack the material; nor may he extend it to get any material for his own plant improvement, expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use. Other orders or regulations, such as CMP Regulation 5 and some orders in the "P" series, assign ratings which may be used by the proper persons to get maintenance, repair or operating supplies and minor capital additions.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on Lists A or B attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) *Items to which blanket MRO ratings do not apply; List B.* Blanket MRO ratings may not be applied to get any item on List B. A blanket MRO rating means a rating assigned by CMP Regulation 5 or 5A, or by any other War Production Board regulation, order (including an order in the "P" series), form or certificate which assigns a rating for maintenance, repair or operating supplies without specifying the kind and quantity of the material to which the rating may be applied. Where the quantity of material is specified in terms of dollar value only, the rating is a blanket MRO rating. No person shall give any effect to any rating applied to his deliveries of any item on List B if he knows or has reason to believe that it is a blanket MRO rating. Any blanket MRO rating applied to an order for any item on List B which was not delivered before the date the item was added to the list shall be deemed void. The restrictions of

this paragraph are not applicable when the blanket MRO rating is applied to get an item on the list for use on board ship.

(3) *Illustration.* A manufacturer of a product listed in Schedule II of CMP Regulation 5 is assigned a rating of AA-2 for operating supplies. He may not use the rating to buy wooden shelving for his own use since it is on List B. A contractor has received an order bearing a rating of AA-3 to install wooden shelving in an Army camp. He may extend that rating to get the wooden shelving from the manufacturer since in this case the shelving is production material as to him and not operating supplies. If, however, wooden shelving were on List A instead of List B, neither rating could be used.

(f) *Use of ratings for services—(1) Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the War Production Board assigns a rating to a named person to get specified services, he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* A blanket MRO rating may be applied by the person to whom it is assigned to get his plant, machinery or equipment repaired even if the repair job does not involve the delivery of repair parts or materials. See paragraph (e) (2) for definition of a blanket MRO rating. A rating assigned on Form WPB-541 (formerly PD-1A) or WPB-542 (formerly PD-3A), or any other rating which may be applied to the delivery of specific repair parts or materials, may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph, "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the certification set out in CMP Regulation 7, or if he prefers, the following:

#### CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

-----  
(Name of Purchaser)

-----  
(Address)

By -----  
(Signature and Title of  
Duly Authorized Officer)

-----  
(Date)

(2) If the order is placed by telegraph the person placing the order may include in the telegram the words "ratings certified" or words to that effect and the requirements for signature under Priorities Regulation 7 will be complied with if the copy of the telegram kept by the person placing the order is signed or authorized in the manner provided in that regulation.

(3) A rating may be applied or extended by telephone only if the telephone order requires shipment within 7 days. The person placing the order must state the rating which is being applied or extended and must place the certification on the confirmation of the order or, if it is not confirmed in writing, must put it on his written record of the order. The seller must make a note in his records that the rating was received over the telephone.

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable War Production Board order. However, he is not required to include the serial number of the preference rating certificate assigning the rating.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the War Production Board for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to



furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply. This does not affect the requirements of Priorities Regulation No. 9 (§ 944.30) when ratings are applied to certain types of exports, in which case its terms control.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the War Production Board which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraphs (g) (4) and (g) (6) apply unless some other order or certificate expressly say that they do not.

Issued this 17th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### LIST A

The following items may be delivered without regard to any War Production Board preference ratings:

1. Chemicals of the following types manufactured or produced for exclusive use in the

petroleum industry, as petroleum industry is defined in Preference Rating Order P-98-b:

- a. Anti oxidants (gum inhibitors) for motor fuels.
- b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.
- c. Chemical additives and compound bases for hypoid gear oils.
- d. Synthetic catalysts for oil cracking operation.
- e. Synthetic catalysts for cumene and codimer manufacture.
- f. Synthetic catalysts for petroleum isomerization operations.
- g. Synthetic catalysts for petroleum sweetening operations.
2. Communications services.
3. Dental burs.
4. [Revoked].
5. Electric energy.
6. [Revoked].
7. Gas, manufactured.
8. Gas, natural.
9. Petroleum; restricted products as defined in Order M-201.
10. Steam heating, central.
11. Sterilizer equipment, as defined in Order L-266.
12. Track-laying tractor repair parts (See Limitation Order L-53-b).
13. Ice.
14. Tobaccos.<sup>1</sup>
15. Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible, and including their by-products and residues (whether resulting from refining, distillation, saponification, pressing or setting).<sup>1</sup>
16. Sulfated, sulfonated, and sulfurized fats and oils.<sup>1</sup>
17. Tall oil.<sup>1</sup>
18. Wool grease.<sup>1</sup>
19. Soap (other than metallic).<sup>1</sup>
20. Fatty acids.<sup>1</sup>
21. Glycerine.<sup>1</sup>
22. Food for human or animal consumption.<sup>1</sup>

#### LIST B

Blanket MRO ratings, as defined in paragraph (e) (2), may not be used to obtain the following items:

1. Adhesive tape backed with cellophane or similar transparent material derived from cellulose.
2. Animal traps.
3. Anti-freeze, all types.
4. Athletic and sport equipment.
5. Automotive maintenance equipment as defined in Limitation Order L-270.
6. Automotive replacement batteries as defined in Limitation Order L-180.
7. Automotive replacement parts as defined in Limitation Order L-158.
8. Award emblems, badges, buttons and other similar award pins (not including identification badges).
9. Blowers and industrial vacuum cleaners governed by Limitation Order L-222.
10. Cast iron ware, as defined by Limitation Order L-30-c.
11. Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick.
12. Cellulose caps or bands of any gauge.
13. Chinaware.
14. Civilian defense devices: any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:
  - a. Air raid warnings or detection of the presence of enemy aircraft; or
  - b. Blackouts or dimouts; or

<sup>1</sup> Subject to FD Regulation No. 1 of the War Food Administration.

e. The protection of civilians, either individually or collectively, against enemy action or attack.

15. Clocks and watches.
16. Closures and closing devices as follows:
  - a. Closures for glass containers.
  - b. Gummed stay and sealing tape, paper and cloth.
  - c. Paper and paperboard bottle caps, closures, and hoods.
17. Containers, fabricated (in knock-down or set-up form, whether assembled or unassembled). For the purpose of this Item (17) the word "containers" shall not include steel strapping, shipping reels and skids, or any item which is specifically excluded from the following sub-items (such as shell containers). It shall, however, include all other containers required for packaging products to be shipped or delivered, including, but not limited to:
  - a. Bags, all types, and specialty envelopes (including those made of paper, textile, combinations of materials, transparent films, metallic foils, parchment, kraft or sulphite).
  - b. Baskets and hampers.
  - c. Cans, as defined in Order M-81.
  - d. Collapsible tubes.
  - e. Cooperage, tight and slack.
  - f. Fibre cans, fibre tubes (except shell containers), fibre bottles, fibre mailing cases, and fibre drums.
  - g. Folding and set-up boxes (paperboard).
  - h. Gas cylinders, as defined in M-233.
  - i. Glass containers.
  - j. Ice cream cans (paperboard) and paraffin cartons and pails.
  - k. Paper cups and paper food containers (except as otherwise stated in Direction 2 of this regulation).
  - l. Paper milk containers.
  - m. Steel shipping drums as defined in Order L-197.
  - n. Wooden and fibre inner containers.
  - o. Wooden and fibre shipping containers and parts, as defined in Order P-140.
18. Corrugated and solid fibre sheets, not constituting "shipping containers" or "parts" as defined in Order P-140.
19. Cutlery, as defined in any order of the L-140 series.
20. Electronic intercommunicating systems, including public address systems.
21. Enameled ware, as defined by Limitation Order L-30-b.
22. Filing cabinets, wooden.
23. Fire protective equipment, including
  - a. Couplings, playpipes and allied fittings;
  - b. Fire hose, hose dryers, racks and reels;
  - c. (Revoked.)
  - d. Fire pumps;
  - e. Fire sprinkler systems;
  - f. Foam generators;
  - g. Indicator posts;
  - h. Lightning rod systems;
  - i. Piped extinguishing systems;
  - j. Portable fire extinguishers;
  - k. Stirrup pumps;
  - l. Water spray nozzles.
24. Flatware.
25. Frying pans.
26. Fuel.
27. Furniture for use in offices, factories, industrial establishments and institutions, except furniture specifically designed for schools.
28. Galvanized ware governed by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout measures).
29. Glass tableware.
30. Glass tumblers.
31. Kitchen ware, heavy duty;
  - a. Bakery utensils;
  - b. Butcher benches;
  - c. Butcher blocks;
  - d. Canopies or hoods;
  - e. Carriers, food;



f. Carriers, tray;  
 g. Coffee mills and grinders;  
 h. Counters, cafeteria, lunch and serving;  
 i. Counter protectors;  
 j. Cutters, french fry;  
 k. Cutters, meat, bone and fish;  
 l. Dispensers, milk and cream;  
 m. Display racks;  
 n. Dough dividers;  
 o. Dough troughs;  
 p. Knife sharpeners and grinders;  
 q. Pans, cold;  
 r. Potato mashers;  
 s. Potato and vegetable parers or peelers;  
 t. Racks, bread (bakery);  
 u. Racks, dump (bakery);  
 v. Racks, pans (bakery);  
 w. Sandwich units;  
 x. Slicers, meat and bread;  
 y. Tables, bakers;  
 z. Tables, cooks, chef, salad and work;  
 aa. Tables, soiled and clean dish;  
 bb. Toaster stands;  
 cc. Tray stands;  
 dd. Trucks, food;  
 ee. Urn stands;  
 32. Kitchen household and miscellaneous articles governed by Limitation Order L-30-d.  
 33. Laboratory instruments and equipment (except ratings assigned by Preference Rating Orders P-43, P-68, P-89, and P-98-b and ratings assigned pursuant to Orders P-56, P-58 and P-73).  
 34. Lawn mowers, including power and gang mowers.  
 35. Lockers, wooden, for offices and factories.  
 36. Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment) including:  
 a. Anaesthesia and oxygen equipment and accessories;  
 b. Atomizers;  
 c. Clinical thermometers;  
 d. Crutches;  
 e. Dental consumable supplies;  
 f. Dental equipment and appliances;  
 g. Diagnostic instruments and apparatus;  
 h. Electric light bulbs for diagnostic instruments;  
 i. Hearing aids;  
 j. Hospital and medical rubber drug sundries;  
 k. Hospital enamelware and stainless steel ware;  
 l. Hypodermic needles and syringes;  
 m. Operating and examining room furniture;  
 n. Operating and examining room lights;  
 o. Ophthalmic goods;  
 p. Orthopedic appliances including splints, belts and trusses;  
 q. Physical therapy equipment and supplies;  
 r. Sterilizers;  
 s. Surgical dressings;  
 t. Suture needles;  
 u. Sutures;  
 v. X-ray equipment and supplies.  
 37. Medical, surgical and dental instruments.  
 38. Medicinal preparations, including vitamins.  
 39. Monorail system and additions thereto, except one complete addition valued at less than \$200.00.  
 40. Pails and tubs, wooden, including wooden mop pails.  
 41. Paper and paperboard and products manufactured therefrom and molded pulp products: excluding carbon paper, tracing paper, reproduction paper, sensitized paper, engineering graph paper, chemically treated paper for engineering use, litmus paper and filter paper and paper tags.  
 42. Pencils, mechanical.  
 43. Pencils, wood cased.  
 44. Pens, fountain.  
 45. Pen holders.  
 46. Pen nibs, steel.  
 47. Photographic film sensitized, as controlled by Order L-233.

48. Pins, common and safety.  
 49. Precision measuring instruments and testing equipment—Preference Rating Order E-9.  
 50. Printing and publishing:  
 a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;  
 b. Processed printing plates;  
 c. Type metal, stereotyping metal and electrotpe backing-metal;  
 d. Printing paper, paperboard and binders' board;  
 e. Book cloth;  
 f. Blankbook and loose-leaf binders, metal parts and units;  
 g. Mechanical bindings.  
 51. Radio transmitting and receiving equipment.  
 52. Signal and alarm equipment, including:  
 a. Central Station, proprietary, auxiliary and automatic fire alarms;  
 b. Watchman's time recording, burglar, bank vault, holdup and intrusion systems.  
 53. Venetian blinds.  
 54. Wire intercommunicating systems.  
 55. Wooden shelving.  
 56. Woodworking machinery, as defined in Order L-311.

#### INTERPRETATION 3 FIRE PROTECTIVE EQUIPMENT

Preference ratings assigned to the delivery of maintenance, repair and operating supplies (MRO ratings) may be used to obtain repair parts and materials for existing fire protective equipment, but may not be used to obtain end items of fire protective equipment. The term "Fire protective equipment", item 23 on List B attached to Priorities Regulation 3, includes only end items and does not include materials or parts required for the repair or maintenance of existing fire protective equipment.

For example, a fire extinguisher or a fire hose coupling is an end item of fire protective equipment and therefore may not be obtained on MRO ratings, whereas a part required to repair an extinguisher or coupling is not an end item and therefore may be obtained on MRO ratings. Similarly, MRO ratings may not be used to obtain a fire sprinkler system nor to extend an existing sprinkler system, but such ratings may be used to repair or replace sprinkler heads which have been opened up by fire or damaged in any other way. However, MRO ratings may not be used to repair or replace new equipment which is still usable [Issued June 17, 1943.]

#### INTERPRETATION 4

A great many orders of the War Production Board permit the delivery of materials pursuant to preference ratings assigned by a P-19-h Order, or by an order in the P-19 series. Forms CMPL-224 and CMPL-127 are generally used in place of orders in the P-19 series. It is expressly stated on Form CMPL-224:

"This authorization is issued in lieu of preference rating order of the P-19 series. Any reference in any order of the War Production Board to said preference rating orders shall constitute a reference to this authorization."

It is set forth in CMPL-127:

"This authorization is issued in lieu of Preference Rating Order P-19-h or P-55. Any reference in any order of the War Production Board to said Preference Rating Order P-19-h or P-55 shall constitute a reference to this authorization."

Consequently, it is proper for any person to deliver material or equipment pursuant to a rating assigned by Forms CMPL-224 or CMPL-127, if he is permitted under existing orders of the War Production Board to deliver said material pursuant to a rating assigned by a P-19-h order or an order in the P-19 series. (Issued Aug. 13, 1943.)

#### INTERPRETATION 6

#### EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23), that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise, that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer, the certificate should say so explicitly. (Issued Sept. 8, 1943.)

[F. R. Doc. 43-18492; Filed, November 17, 1943; 11:31 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM [Interpretation 1 of Priorities Reg. 3, Revocation]

Interpretation 1 of Priorities Regulation 3 is hereby revoked.

Issued this 17th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18493; Filed, November 17, 1943; 11:31 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM [Interpretation 2, as Amended Nov. 17, 1943, of Priorities Reg. 3]

The following amended interpretation is issued with respect to Priorities Regulation 3:

The restrictions on the use of ratings for the items on Lists A and B apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled.

Issued this 17th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18494; Filed, November 17, 1943; 11:31 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 5, as Amended Nov. 17, 1943, of Priorities Reg. 3]

The following amended interpretation is issued with respect to Priorities Regulation 3:

(a) Restrictions of other orders on use of ratings or delivery. The provisions of para-



graph (e) relate only to the items which appear on the lists. When any other order of the War Production Board restricts the use of preference ratings to obtain any product, or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23). This rule specifically applies to the items which were on List C before the amendment of August 10, 1943.

(b) "Masking" tape. Blanket MRO ratings may be used to get industrial pressure sensitive adhesive tape (paper and cloth), also called "masking" tape. This type of tape is not included in item 16.c: "Gummed stay and sealing tape, paper and cloth".

This interpretation is not applicable to adhesive tape backed with cellophane or similar transparent materials derived from cellulose (item 1 of List B) which may not be obtained with blanket MRO ratings.

Issued this 17th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18495; Filed, November 17, 1943;  
11:31 a. m.]

#### PART 962—IRON AND STEEL

[Direction 2, as Amended Nov. 17, 1943, to  
Supplementary Order M-21-a]

#### CERTAIN ALLOY STEEL TO BE PRODUCED ONLY IN ELECTRIC FURNACES

Due to the shortage of carbon steel, it has become necessary to transfer substantial tonnages of open hearth alloy steel to the electric furnaces, thereby providing more capacity for carbon steel production. The following direction is therefore issued to all producers of alloy steel, pursuant to paragraph (e) of Order M-21-a:

(a) *Scope of direction.* This direction covers the acceptance and melting of orders for alloy steel for any of the following end uses, and for delivery prior to April 1, 1944. It applies to all orders whether for domestic use or export, and whether for the Army, Navy, or any other Claimant Agency.

(1) All airborne aircraft steel (except for aircraft bolts and studs) where aircraft quality is specified.

(2) All airborne aircraft tubing.

(3) All armor piercing shot body and cap steel, 20 MM and larger.

(4) All steel for integral parts of small arm rifles and machine guns, up to and including .60 caliber, excluding mounts and tripods.

(5) All steel for integral parts of guns, cannons, rifles and howitzers, 20 MM and larger, excluding mounts and carriages.

(6) All bearing steel, including carburizing grades.

(7) All gear steel, excluding gears made from plate.

However, the direction does not apply to the following grades of steel: AISI, SAE, WD 1300 and 9200 or chemically equivalent series steel.

(b) *Acceptance of orders.* Until further notice no producer shall accept any order for steel covered by this direction except as electric furnace steel.

(c) *Melting by producers with both open hearth and electric furnace facilities.* In the absence of specific instructions to the contrary now or hereafter issued by the War Production Board, a producer with both open hearth and electric furnace facilities may melt as open hearth steel any such order approved as open hearth steel on his October or November 1943 melt schedule (Form

WPB-2933). Such orders for melting as open hearth steel in December 1943 and later months must be immediately revised by the producer with his customers, changing the steel from open hearth to electric furnace. The producer must report promptly to the War Production Board any such orders which he is unable to change due to insufficient electric furnace capacity. This report must be made on a separate form WPB-2933 filled out in accordance with instructions contained in instruction sheet WPB-3318.

(d) *Melting by producers without electric furnace facilities.* In the absence of specific instructions to the contrary now or hereafter given by the War Production Board, a producer who has no electric furnace facilities may melt as open hearth steel any such order approved on his October or November 1943 melt schedule (Form WPB-2933). Such orders for melting as open hearth steel in December 1943 and later months must be reported immediately to the War Production Board for placement with electric furnace producers. This report must be made on a separate form WPB-2933 filled out in accordance with instructions contained in instruction sheet WPB-3318.

(e) *Applications for exceptions.* Where arrangement of production and processing facilities is such as to make it impracticable to produce or use electric furnace steel, the War Production Board will consider applications for permission to furnish open hearth steel. Any such application must state fully the reasons why it is impracticable to produce or use electric furnace steel.

(f) All reports and applications for exception must be addressed to the Alloy Steel Branch, Steel Division, War Production Board, Washington, 25, D. C. The reporting provisions of this direction have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 17th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18498; Filed, November 17, 1943;  
11:32 a. m.]

#### PART 3289—RADIO AND RADAR<sup>1</sup>

[Conservation Order L-134, as Amended  
Nov. 17, 1943]

#### INSTRUMENTS, VALVES, AND REGULATORS USED IN INDUSTRIAL PROCESSES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chromium and nickel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3289.6<sup>1</sup> *Conservation Order L-134—*  
(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Manufacturer" means any person manufacturing any industrial instrument, instrument end, instrument connection, control valve, or regulator as defined below, to the extent he is engaged in such manufacture; and includes sales and distribution outlets controlled by such manufacturer.

<sup>1</sup> Formerly Part 1224, § 1224.1.

(3) "Dealer" means any person primarily engaged in the business of selling or distributing industrial instruments, control valves, or regulators, whether at wholesale, retail, or otherwise, but does not include sales and distribution outlets controlled by a manufacturer.

(4) "Industrial instrument" means any type of indicating, recording or measuring, or controlling instrument ordinarily used in industrial processes and containing an instrument connection listed in subparagraph (5) below, or an instrument end listed in subparagraph (6) below; except "laboratory equipment" as defined in Order L-144.

(5) "Instrument connection" means any of the following, to the extent used with or in an industrial instrument, if fabricated in whole or in part from nickel, chromium, or any alloy thereof: capillary tubing having an internal diameter of .025" or less; protective armor tubing; tubes or springs (pressure measuring systems); diaphragms or bellows (pressure measuring systems except differential measuring systems) and extension lead wire.

(6) "Instrument end" means any of the following to the extent used with or in an industrial instrument, if fabricated in whole or in part from nickel, chromium, or any alloy thereof; sockets, wells, protecting tubes, sheaths and target tubes; liquid level floats, float rods, float cages and flanges, expansion and immersion tubes; venturi tubes; cleanout valve trim and liner for use with venturi tubes; flow nozzles; orifice plates; orifice meter accessories; thermocouples and thermocouple wire; temperature bulbs (fluid filled tube system type); bushings and revolving or coupling nuts; safety shutters and switches for radiation pyrometers; contact rods for flame control; straightening vanes; studs for differential pressure chambers; conductivity cells for measuring conductivity of fluids; pitot tubes; and flexible and rigid extension stems for temperature bulbs.

(7) "Control valve" means any globe or butterfly type valve, the inner portion of which is automatically positioned by pneumatic, hydraulic, or electric motive power, containing any of the parts listed in paragraphs (d) (1), (2), (3) and (5), provided such parts are fabricated in whole or in part from nickel or chromium, or any alloy thereof. The term shall not include any type of gate valve or slide valve.

(8) "Regulator" means any self-operated or integral pilot operated type valve used to control temperature, pressure above 25 p. s. i., pressure where inlet pressure is above 25 p. s. i. flow or liquid level, and containing any of the parts listed in paragraphs (d) (1), (2), (3), and (5), provided such parts are fabricated in whole or in part from nickel or chromium, or any alloy thereof.

(9) [Revoked January 30, 1943.]

(b) *General restrictions.* (1) On and after September 9, 1942, no manufacturer shall knowingly put in process any chromium, nickel, or alloy thereof, in the production of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or



regulator, except for use under such operating conditions, if any, as may be specified in paragraphs (c) or (d): *Provided, however*, That the provisions of this subparagraph shall not apply to such items sold to another manufacturer or dealer for resale, or to items sold for use in a foreign country (except Canada).

(2) On and after September 9, 1942, no manufacturer or dealer shall knowingly deliver, and no person shall accept delivery of, any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator, except for use under such operating conditions, if any, as may be specified in paragraph (c) or (d): *Provided, however*, That the provisions of this subparagraph shall not apply to deliveries by a manufacturer to another manufacturer or dealer for resale, or to deliveries of any item to be used in a foreign country (except Canada).

(3) On and after September 9, 1942, no manufacturer shall put in process any chromium, nickel, or alloy thereof for the production of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator except in accordance with the specifications enumerated in paragraph (c) or (d).

(4) On and after September 9, 1942, no manufacturer or dealer shall accept an order for, or deliver, and no person shall accept delivery of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator, except pursuant to a preference rating of A-1-c or better: *Provided, however*, That the limitations and restrictions of this paragraph (b) (4) shall not apply to:

(i) Any order accepted by a manufacturer or dealer prior to September 9, 1942, and bearing a preference rating of A-10 or better, or

(ii) Any order for maintenance and repair purposes, bearing a preference rating of A-8 or better, or

(iii) Any order by and for the use of the Army, Navy, Maritime Commission, War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, or the Office of Scientific Research and Development.

(5) No person shall accept delivery of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator for use, unless based upon experience records he expects to install the item which is being delivered, and all similar items on hand, within the next 90 days.

(6) *Certification to be furnished.* (i) Each person (other than a manufacturer or dealer acquiring the item for resale or any person purchasing the item for use in a foreign country, except Canada) receiving delivery of an instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control

valve, or regulator, shall certify to the manufacturer or dealer from whom he receives such delivery, as a condition to receiving delivery, the following on the purchase order, or in a separate letter:

The undersigned hereby certifies that

(here fill in items ordered)

will be used under the operating conditions permitted for such items under the terms of Conservation Order L-134. The operating conditions under which the items will be used are:

Here fill in operating conditions, if any (by reference to paragraph of order) for which items will be used.

By \_\_\_\_\_ Company

*Provided, however*, That such certification shall be required only where a limitation on the use of the item in question is prescribed in an operating condition specified in paragraph (c) or (d), except where otherwise provided in paragraph (c) or (d).

(ii) No person shall make a delivery under this paragraph (b) who has reason to believe that the person accepting delivery has furnished a false certification; and no person shall falsely furnish the certification specified above. The certification specified above shall constitute a representation to the War Production Board, of the facts certified therein.

(7) Nothing in this order shall be construed to place any restriction upon any instrument valve or regulator, or part thereof, unless such instrument, valve, regulator or part thereof contains nickel, chromium, or any alloy thereof (not including plating); or upon any instrument, valve, regulator or part thereof which was manufactured prior to May 26, 1942.

(8) The provisions of this order shall not apply to any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator to be incorporated in, or used exclusively on board a vessel of the Army or Navy of the United States.

(c) *Operating conditions and specifications for instrument ends, instrument connections, and industrial instruments containing instrument ends or connections.* Pursuant to the provisions of paragraph (b) hereof, the production and delivery of the following instrument ends, instrument connections, and industrial instruments containing instrument ends or instrument connections shall be governed by the following operating conditions and specifications:

(1) *Capillary tubing having an internal diameter of .025" or less—(i) Operating conditions.* Capillary tubing having an internal diameter of .025" or less shall be delivered for use only under the operating conditions specified in List A paragraph 1; capillary tubing for use with a mercury filled thermal system may be delivered for use under any operating condition.

(ii) *Specifications.* Capillary tubing having an internal diameter of .025" or less shall be manufactured from a metal whose nickel and chromium alloy content does not exceed that of Type 347

metal and shall be manufactured in the following four sizes only: .06" x .007"; .06" x .011"; .06 x .017"; .06" x .025".

(2) *Protective armor tubing—(i) Operating conditions.* Protective armor tubing shall be delivered for use only under the operating conditions specified in List A, paragraph 1.

(ii) *Specifications.* Protective armor tubing shall be manufactured in lengths not in excess of 6" at either the instrument or bulb.

(3) *Tubes and springs (Pressure measuring systems)—(i) Operating conditions.* Tubes or springs for pressure measuring systems may be delivered for any use, but certification of operating conditions shall be required where delivery is for the use described in List A, paragraphs 1 or 2.

(ii) *Specifications.* The total nickel and chromium alloy content of such tubes or springs shall not exceed 6% chromium (with no nickel): *Provided, however*, That for use under the operating conditions described in List A, paragraphs 1 or 2, the total nickel and chromium alloy content shall not exceed 32%.

(4) *Diaphragms or bellows. (Pressure measuring systems except differential measuring systems)—Operating conditions.* Diaphragms or bellows for pressure measuring systems (except differential measuring systems) shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(5) *Sockets, wells, protecting tubes, sheaths and target tubes.* The operating temperatures specified below shall be deemed part of the operating conditions for purposes of certification:

(i) *Operating temperature up to 1,400° F.—(a) Operating conditions.* When used under operating temperatures up to 1,400° F., sockets, wells, protecting tubes, sheaths and target tubes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 (a) to 1 (k) inclusive, paragraph 2, or paragraph 3 (b) or 3 (c), or on aircraft.

(b) *Specifications.* The total nickel and chromium alloy content of sockets, wells, protecting tubes, sheaths and target tubes shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however*, That for use under operating conditions specified in List A, paragraph 1 (f) or 1 (k) the total nickel and chromium alloy content shall not exceed 80%, and maximum nickel and chromium content of not over 65% and 30%, respectively.

(ii) *Operating temperatures from 1,401° F. to 1,900° F.—Specifications.* The total nickel and chromium alloy content of sockets, wells, protecting tubes, sheaths and target tubes, used under operating temperatures from 1,401° F. to 1,900° F. shall not exceed 52%, and the nickel and chromium contents shall not exceed 35% and 28%, respectively: *Provided, however*, That for use under the operating conditions specified in List A, paragraphs 1 (f) or 1 (k) the total nickel and chromium alloy content shall not exceed 80%, and maximum nickel and chromium content of not over 65% and 30%, respectively.



(iii) *Operating temperatures of 1,901° F. and above*—(a) *Operating conditions*. When used under operating temperatures of 1,901° F. and above, sockets, wells, protecting tubes and sheaths shall only be delivered for use under the operating conditions specified in List A, paragraphs 1 (f) or 1 (k). Target tubes may be delivered for use under any conditions.

(b) *Specifications*. Sockets, wells, protecting tubes, sheaths and target tubes employed under the operating conditions specified in (a) above shall contain a maximum total nickel and chromium alloy content not to exceed 80%, and maximum nickel and chromium content of not over 65% and 30%, respectively.

(6) *Temperature bulbs (fluid filled tube system type)*—(i) *Operating conditions*. When used without sockets or protecting tubes, temperature bulbs (fluid filled tube system type) may be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, 3 (b) or 3 (c).

(ii) *Specifications*. The total nickel and chromium alloy content of temperature bulbs (fluid filled tube system type) shall not exceed 30%, or 20% of either nickel or chromium. No nickel, chromium, or alloy thereof, shall be used in temperature bulbs (except for mercury filled systems) when such bulbs are used in a socket or in protecting tubes. When used with a mercury filled system in a socket, temperature bulbs shall be manufactured from S. A. E. 4140 or alternate steels of no greater chromium alloy content and containing no more than 0.60% nickel.

(7) *Bushings and revolving or coupling nuts—Operating conditions*. Bushings and revolving or coupling nuts shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(8) *Flexible and rigid extension stems for temperature bulbs*—(i) *Operating conditions*. When used with temperature bulbs without separable sockets or protecting tubes, flexible or rigid extension stems shall be delivered for use only under the operating conditions specified in List A, paragraph 1, 2, 3 (b) or 3 (c).

(ii) *Specifications*. The total nickel and chromium alloy content of such stems shall not exceed 30%, or 20% of either nickel or chromium.

(9) *Contact rods for flame control—Specifications*. The alloy content of contact rods for flame control, including contiguous brackets or clamps, shall not exceed 80% nickel and 20% chromium.

(10) *Thermocouples*. The operating temperatures specified below shall be deemed part of the operating conditions for purposes of certification.

(i) *Operating temperatures up to 800° F.—Specifications*. Where used in temperature ranges up to and including 800° F., the thermocouple wire alloy content shall not exceed 46% nickel, and the size of the wire shall not exceed #14 B and S gage.

(ii) *Operating temperatures from 801° F. to 1,400° F.—Specifications*. Where used in temperature ranges between 801° F. and 1,400° F., inclusive, the thermo-

couple wire alloy content shall not exceed 46% nickel, and the size of the wire shall not exceed #8 B and S gage, or as an alternate, the thermocouple wire alloy content shall not exceed 95% nickel or 20% chromium in either wire, and the size of the wire shall not exceed #14 B and S gage.

(iii) *Operating temperatures from 1,401° F. to 2,050° F.—Specifications*. Where used in temperature ranges between 1,401° F. and 2,050° F., inclusive, the thermocouple wire chromium alloy content shall not exceed 20% chromium in either wire, and the size of the wire shall not exceed #8 B and S gage.

(iv) *Operating temperatures of 2,051° F. and above*—(a) *Operating conditions*. When used in temperature ranges of 2,051° F. and above, thermocouple wire shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 (f) or 1 (k).

(b) *Specifications*. The size of the wire shall be limited to No. 2 B and S gage or smaller when used under the operating conditions in List A, paragraph 1 (f), and shall be limited to No. 8 B and S gage or smaller when used under the operating conditions of List A, paragraph 1 (k).

(v) *Special provisions for replacement*. Except with respect to size of extension lead wire when used with potentiometer type pyrometers, the limitations of subparagraphs (i), (ii), (iii) and (iv) shall not apply to replacements if the extension lead wire or parts required to recalibrate existing instruments are not available in the user's plant.

(11) *Extension lead wire—specifications*. The size of the wire, except for wire used on aircraft or for superheater pyrometers on locomotives, shall be limited to #14 B and S gauge, or smaller.

(12) *Safety shutters and switches for radiation pyrometers—Specifications*. The nickel or chromium alloy content of safety shutters for radiation pyrometers shall not exceed 20% each; except that this restriction does not apply to the nickel or chromium alloy content of switches for radiation pyrometers.

(13) *Liquid level float cages and flanges*—(i) *Operating conditions*. Liquid level float cages and flanges shall be delivered for use only under the operating conditions specified in List A, paragraphs 2 (a) and 3 (b).

(ii) *Specifications*. The total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however*, That when used under the operating conditions of List A, paragraph 2 (a), the nickel and chromium alloy content shall not exceed that of the contiguous metal.

(14) *Liquid level floats and float rods*—(i) *Operating conditions*. Liquid level floats and float rods shall be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, or 3 (b).

(ii) *Specifications*. The total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however*, That when used under the operating condi-

tions of List A, paragraph 2 (a), the nickel or chromium alloy content shall not exceed that of the contiguous metal.

(15) *Liquid level expansion and immersion tubes—Operating conditions*. Liquid level expansion and immersion tubes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2 or at temperatures of 400° F. and above.

(16) *Flow nozzles—Operating conditions*. Flow nozzles shall be delivered for use only in the presence of a flowing medium with a temperature in excess of 900° F.

(17) *Pitot tubes—Specifications*. No nickel, chromium or alloy thereof shall be used in the manufacture of pitot tubes, except when used on aircraft.

(18) *Orifice plates—Operating conditions*. Orifice plates shall be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, 3 (b) or 3 (c).

(19) *Orifice meter accessories—Specifications*. No nickel, chromium or alloy thereof shall be used in the manufacture of settling chambers, separating chambers or condensers.

(20) *Straightening vanes*—(i) *Operating conditions*. Straightening vanes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 3 (c) and their delivery shall be further limited to use in pipes having an internal diameter of 10 inches or less.

(ii) *Specifications*. The total nickel and chromium alloy contents shall not exceed 30%, or 20% of either nickel or chromium.

(21) *Cleanout valve trim and liners for use with Venturi tubes—Operating conditions*. Cleanout valve trim and liners for Venturi tubes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, 3 (b) or 3 (c).

(22) *Venturi tubes—Specifications*. No nickel, chromium or alloy thereof shall be used in the manufacture of Venturi tubes.

(23) *Studs for differential pressure chambers—Specifications*. Studs for differential pressure chambers shall be manufactured from S. A. E. 4140 or alternate steels of no greater chromium alloy content and containing no more than 0.60% nickel.

(24) *Conductivity cells for measuring conductivity of fluids—Operating conditions*. Conductivity cells for measuring conductivity of fluids shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(d) *Operating conditions and specifications for control valves and regulators*. Pursuant to the provisions of paragraph (b) hereof, the production and delivery of the following control valves and regulators shall be governed by the following operating conditions and specifications:

(1) *Bodies, bonnets and blind flanges*—(i) *Operating conditions*. Bodies, bonnets and blind flanges shall be delivered for use only under the operating conditions specified in List A, paragraph 2 (a) and 3 (b).



(ii) *Specifications.* When used under operating conditions of List A, paragraph 3 (b) the total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the operating conditions of List A, paragraph 2 (a), the nickel and chromium alloy content shall not exceed that of the contiguous metal.

(2) *Inner valves and seat rings—(1) Operating conditions.* Inner valves and seat rings shall be delivered for use only under an operating pressure drop of 50 p. s. i. or more, or under the operating conditions specified in List A, paragraphs 1 or 2.

(ii) *Specifications.* When used under operating conditions of a pressure drop of 50 p. s. i. or more, the flow cutting surface shall be made of carbon steel, faced, where practicable, with a chromium or nickel alloy not in excess of  $\frac{3}{32}$ " finished thickness. When used under the operating conditions specified in List A, paragraphs 1 or 2, the total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the conditions of List A paragraph 2 (a) the nickel and chromium alloy content shall not exceed that of the contiguous metal.

(3) *Studs for valve bodies and flanges—(1) Operating conditions.* Studs for valve bodies and flanges may be used under any operating conditions; but certification shall be required for use under the operating conditions of List A, paragraph 3 (b) or 3 (d).

(ii) *Specifications.* Studs for valve bodies and flanges shall be manufactured from S. A. E. 4140 or alternate steels of no greater chromium alloy content and containing no more than 0.60% nickel: *Provided, however,* That where used under the operating conditions specified in List A, paragraphs 3 (b) or 3 (d) the total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium.

(4) [Revoked January 30, 1943.]

(5) *Stems, bushings and guiding surfaces for control valves, and regulators—Specifications.* The total nickel and chromium alloy content of stems, bushings, and guiding surfaces for control valves and regulators shall not exceed 30%, or 20% of either nickel or chromium.

(e) *Ninety-day exemption of Army, Navy, and Maritime Commission.* The provisions of this order shall not apply to deliveries to and for the use of the Army, Navy, or Maritime Commission until August 26, 1942. As used in this paragraph, the terms "Army," "Navy," and "Maritime Commission" shall not include any privately operated plant or shipyard, financed or controlled by any of these organizations, or operated on a cost-plus-fixed-fee basis.

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the

reasons he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) *Reports and letters concerning this order.* All reports required to be filed by this order, and all letters and inquiries concerning this order, shall be addressed to War Production Board, Radio and Radar Division, Washington 25, D. C., Ref: L-134.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(i) *Records and reports.* All manufacturers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for industrial instruments.

All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as said Board shall from time to time request.

Issued this 17th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.  
LIST A

PARAGRAPH 1. When exposed to:

- (a) Nitric acid (dilute or concentrated).
- (b) Coke oven gas.
- (c) Blast furnace gas.
- (d) Sulphurous gases.
- (e) Steam above 200 p. s. i. or 400° F.
- (f) Molten metal baths.
- (g) Sulphuric or hydrochloric acids.
- (h) Sour gas and vapors, and liquids contaminated with sour gas and vapors.
- (i) Hydrofluoric acid.
- (j) Salt brine in crude petroleum.
- (k) Salt baths containing nitrates, chlorides, cyanides, or fluorides.

PAR. 2. (a) When contiguous metal coming in contact with the processed medium at the point of measurement or control is also a nickel or chromium alloy.

(b) When contiguous surfaces coming in contact with the processed medium at the point of measurement or control are non-metallic but no protection other than that containing nickel or chromium will withstand the corrosive medium.

(c) In the production of synthetic rubber, when an explosive hazard due to chemical reaction cannot otherwise be avoided, or where acetic acid has a corrosive effect on seating, guiding, and measuring surfaces.

(d) When no other material can be substituted without contaminating the material being processed.

PAR. 3. When the fluid to which the part is to be subject is under:

- (a) Static pressure of 250 pounds per square inch or more;
- (b) Temperature of 750° F. and above, or minus 20° F. and below;
- (c) Normal pipe velocity of 5,000 ft. per minute or more for gases or vapors; or 300 ft. per minute or more for liquids;

(d) Temperature of minus 250° F. to minus 20° F. inclusive, and from 400° F. to 1,250° F. inclusive, and 400 p. s. i. to 2,500 p. s. i. inclusive.

[F. R. Doc. 43-18497; Filed, November 17, 1943; 11:31 a. m.]

#### PART 3289—RADIO AND RADAR

[Preference Rating Order P-133, as Amended Nov. 17, 1943]

##### ELECTRONIC EQUIPMENT

§ 3289.41 *Preference Rating Order P-133—(a) What this order does.* This is a complete revision of Preference Rating Order P-133. It gives preference ratings to persons engaged in certain businesses. It also entitles some of them to use the allotment symbol "MRO". The ratings and symbol can be used only to get materials for maintenance, repair and operating supplies; and there are also certain special restrictions set forth in paragraph (e). The businesses, and the ratings and symbol assigned to persons engaged in them are:

(1) Radio communication—AA-1. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(2) Radio broadcasting—AA-1. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(3) Commercial sound recording—AA-2. Persons engaged in this business are also entitled to use the allotment symbol "MRO".

(4) Operation and maintenance of public address, intercommunication, plant sound or other similar electronic systems, such as systems for the controlled distribution of musical programs—AA-5.

(b) *What is meant by maintenance, repair and operating supplies.* These terms include whatever is necessary to keep a person's business property and equipment in sound working condition, or to fix it when it has broken down or is about to break down. They also include those things which are normally used in the day-by-day operation of any of these businesses, being as a rule things which are consumed in use. On the other hand, there are some things which these terms do not include, and to which the benefits of this order do not extend. These are production materials, capitalized repairs, capital equipment, capital replacements, plant expansion, addition of facilities, and the construction and remodeling of buildings.

(c) *Relation of this order to War Production Board regulations and other orders.* This order and all things done under it are subject to the provisions of all applicable regulations and orders of the War Production Board, except that persons who are engaged in the businesses listed in this order to that extent are entitled to none of the benefits, and are subject to none of the restrictions, contained in CMP Regulations No. 5 and



No. 5A. Anyone using this order should read particularly Priorities Regulation No. 3, which tells how to apply and extend ratings, and which contains a list of things which blanket MRO ratings (such as those assigned by this order) cannot be used to get (Priorities Regulation No. 3, paragraph (f) and List B).

(d) *How to use the ratings and allotment symbol.* (1) Persons entitled to use these ratings and the allotment symbol "MRO" under this order may do so by placing on their purchase orders either the form of certificate provided in Priorities Regulation No. 3, or that provided in CMP Regulation No. 7. In every case those persons entitled under this order to use the allotment symbol "MRO" must place on their purchase orders in addition to the certificate the symbol "MRO-P-133".

(2) Any purchase order for controlled materials which bears such a certificate and symbol is an authorized controlled material order, and on such orders the preference rating should not be shown. The preference rating must, of course, be shown on orders for anything but controlled materials.

(e) *Restrictions on the use of the ratings and allotment symbol.* No person shall use these ratings or allotment symbol:

(1) To buy or repair a tube, unless he has first operated a similar tube to failure, and has in stock less than one new and one rebuilt or two rebuilt spare tubes for each active tube socket. All operable tubes which have not been rebuilt shall be counted as new tubes. All power tubes of 250 watts or more (plate dissipation), which have been operated to failure and are not to be repaired, shall be returned to the manufacturer.

(2) To replace in stock any spare parts except parts which are subject to frequent failure or rapid deterioration, or parts which are of such special design that their failure would cause a lengthy interruption of operations unless they could be immediately replaced from stock.

(3) To replace in stock a new part (other than a tube) if the old part can be repaired.

(4) To replace equipment which has not been used within the ratings specified by the manufacturer of the equipment.

(5) To increase the value of a person's inventory of repair parts (not including tubes) above the value of such inventory on October 5, 1942.

(6) To increase a person's inventory of operating supplies (not including tubes) above a ninety-day requirement.

(7) To get aluminum if the use of any other material is practicable, or to get more than five hundred pounds of aluminum in any calendar quarter in any event.

(8) To get materials for the maintenance, repair or operation of equipment for the account of War Emergency Radio Service.

(f) *Persons who service these businesses.* Any person (such as a service repair shop) who does maintenance or repair work for anyone engaged in any of the businesses described in this order may use the rating and symbol to which his customer would be entitled in order to get materials to do that work for his customer. In such a case the restrictions of paragraph (e) apply as to the customer and the customer shall be responsible if they are violated.

(g) *Special rule for international, point-to-point, radio communication carriers.* Any person engaged in international, point-to-point radio communication, as a commercial operation, may use the rating and allotment symbol given by this order to rearrange, modify or expand existing facilities and equipment (but not buildings) either to maintain his regularly established services, or to provide whatever new or modified service may be necessary to render services required by or for the account of the United States Army, the United States Navy, any agency of the United States Government, or any agency of any foreign government.

The cost of materials for any one project undertaken under this paragraph (g) must not exceed \$1,500.00, in which case the restrictions of paragraph (e) of this order, and the rules of Conservation Order L-41 shall not apply, and an authorization to begin construction shall not be necessary.

(h) *Penalties for violating this order.* Any person who wilfully violates any provision of this order or falsifies the certificate prescribed in paragraph (d), or who conceals any material information or furnishes false information to any department or agency of the United States is guilty of a crime. If convicted, he may be punished by fine or imprisonment. He may also be deprived of any or all priorities assistance. For example, he may be prohibited from getting, delivering, processing, or using anything which is subject to priority control by the War Production Board.

(i) *How to appeal from any provision of this order.* Any person may appeal for relief from any provision of this order by writing a letter which explains fully what provisions he is appealing from and why he thinks he should be relieved from those provisions so far as they relate to him or his business. He should send this letter with two signed copies to the War Production Board.

(j) *Letters and reports about this order.* Any letters about this order, or any reports which persons subject to this order may be required to file, should be addressed to the War Production Board, Radio and Radar Division, Washington 25, D. C., Ref.: P-133.

Issued this 17th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18496; Filed, November 17, 1943;  
11:31 a. m.]

## PART 3290—TEXTILE, CLOTHING AND LEATHER

[Interpretation 1 of General Limitation Order L-284]

### LUGGAGE

The following interpretation is issued with respect to Limitation Order L-284:

The quota exemption contained in paragraph (b)(3) in favor of "luggage produced for post exchanges and ship's service stores" refers only to luggage produced to fill direct orders from post exchanges and ship's service stores. It does not refer to luggage produced for wholesalers or retailers, even though such wholesalers or retailers may intend to resell the luggage to post exchanges or ship's service stores.

Issued this 17th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18500; Filed, November 17, 1943;  
11:32 a. m.]

## Subchapter C—Director, Office of War Utilities

### PART 4500—POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Utilities Order U-7 (Formerly Limitation Order L-31), as Amended Nov. 17, 1943]

#### NATURAL GAS

Whereas, increased gas requirements for war production and civilian uses, coupled with scarcity of materials for the construction of pipelines and other facilities, have resulted in shortages of natural gas in certain areas of the United States and are threatened in others; during periods of adverse weather conditions the demand for natural gas in almost all areas increases beyond the capacity of existing facilities to meet such demands; and the following order is deemed necessary to conserve existing reserves of natural gas and to safeguard deliveries to war industries and essential civilian services, and in other respects is necessary and appropriate in the public interest and to promote the war effort:

§ 4500.10 *Utilities Order U-7—(a) Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Natural gas" means any combustible natural gas or gases and fuel gas derivatives of natural gases, fuel gas derivatives of petroleum produced as by-products in the production, refining or processing of petroleum, or mixtures of any of the aforesaid gases with blue gas, carburetted water gas, coke oven gas, producer gas, blast furnace gas, oil gas, or any other manufactured gas; but does not include liquefied petroleum gas in the liquid phase.

(3) "Utility" means any person supplying natural gas for general use by the public.



(4) "Non-utility supplier" means any person supplying or capable of supplying natural gas or who owns or operates natural or manufactured gas production, transmission, or distribution facilities and who is not included in the definition of "utility" in paragraph (a) (3): *Provided*, That no person engaged in the production, refining or processing of petroleum or natural gas shall be considered a non-utility supplier, except as to the use or disposition of natural gas as a combustible fuel gas after completion of such production, refining or processing.

(5) "Consumer" means any ultimate user of gas produced, transmitted or distributed by any "utility" or "non-utility supplier", including any utility or non-utility supplier which is itself an ultimate user of gas.

(6) "Stand-by facilities" means equipment capable of utilizing electrical energy, oil, coal or any other fuel or energy to replace natural gas and for the operation of which a supply of such fuel or energy is obtainable or could have been obtained in the exercise of reasonable diligence.

(7) "Premises" means any building or structure and its adjuncts: *Provided*, That in the case of "consumer" who receive deliveries of gas for the operation of equipment not contained within a building, any delivery point and the confines of the area supplied with natural gas from such delivery point shall be deemed a "premises".

(8) "Residential consumer" means any "consumer" receiving natural gas for the operation of space heating, hot water heating, cooking or refrigeration equipment used for residential purposes, where the total input capacity of the space heating equipment does not exceed 250,000 B. T. U. per hour.

(9) "Non-residential consumer" means any "consumer" other than a residential consumer as defined in (a) (8).

(b) *Integration of gas system operations.* (1) Each utility or non-utility supplier shall, as far as practicable, so operate and maintain its transmission, storage, distribution and gas manufacturing facilities as to achieve maximum deliverability of natural gas in any area or areas in which a shortage exists or is imminent and to conserve existing gas reserves; and no utility or non-utility supplier shall abandon any such facilities except upon specific authorization of the War Production Board. Where necessary for such purposes, the War Production Board may, from time to time, issue specific directions as to the operation of gas manufacturing, transmission, storage and distribution facilities.

(2) Each utility or non-utility supplier shall maintain in operating condition all gas manufacturing facilities owned or operated by such utility or non-utility supplier which were in operating condi-

tion on November 12, 1942. Each utility or non-utility supplier shall repair and maintain in operating condition such other facilities including gas manufacturing facilities owned or operated by such utility or non-utility supplier as the War Production Board may, from time to time, direct. Wherever repair and maintenance of gas facilities requires the use of materials in excess of those available under any order issued by the War Production Board, application for authority to use or acquire such materials should be made to the War Production Board in accordance with established procedures.

(3) The War Production Board may, from time to time, issue specific directions respecting the delivery of natural gas from one utility or non-utility supplier to another or to any consumer, and respecting the interconnection of any facilities; and no utility or non-utility supplier shall deliver or accept or fail to deliver or accept deliveries of gas or fail to interconnect facilities in violation of any such direction. Subject to such directions and to the provisions of paragraph (b) (5), each utility or non-utility supplier shall so interchange natural gas with its interconnected utilities or non-utility suppliers as to achieve, directly or indirectly, the maximum deliverability in any area or areas in which a shortage exists or is imminent.

(4) Upon specific direction of the War Production Board, utilities or non-utility suppliers shall curtail gas deliveries to specified classes of consumers on their systems if necessary in order to make available gas for delivery to utilities or non-utility suppliers on whose systems there exists a shortage which adversely affects or threatens service to war producers or other essential consumers. Any utility or non-utility supplier may request the War Production Board to direct another utility or non-utility supplier to deliver gas to it, on the ground that such delivery will safeguard service to war producers or essential consumers, or will otherwise be in the interest of the war effort.

(5) No utility shall deliver natural gas to any other utility or non-utility supplier not theretofore regularly supplied by such utility (except emergency deliveries to relieve a shortage resulting from the failure or breakdown of gas production, transmission or distribution facilities), without specific approval of the War Production Board. Any utility making such emergency deliveries shall report directly to the War Production Board, Office of War Utilities, Natural Gas Division, Ref.: U-7, the nature of the emergency and the amount and duration of such deliveries.

(6) Each non-utility supplier in any area served by any utility with which such non-utility supplier is intercon-

nected or is capable of being interconnected, shall upon notice from the War Production Board so order its operations as to make available to such utility, or to any essential war producer or other consumer, all natural or manufactured gas which it is capable of producing or supplying in excess of the minimum requirements of its own essential operations. Any non-utility supplier which on October 1, 1943 was supplying natural gas to a utility in an area in which a shortage exists or is imminent shall not discontinue deliveries to such utility without the approval of the War Production Board, unless it is no longer capable of making such deliveries, or pursuant to the provisions of paragraph (c) (1).

(c) *Operations during gas shortages.* (1) In the event of an existing or imminent gas shortage in any area, each utility or non-utility supplier supplying such area shall conduct its operations and reduce deliveries to commercial and industrial consumers in accordance with the following schedule, subject to such further or special directions as the War Production Board may from time to time issue: *Provided*, That to the extent, if any, required by the emergency nature of the shortage such utility or non-utility supplier may, in the first instance, reduce deliveries without regard to such schedule, but shall, as soon as possible thereafter, readjust its operations and deliveries to conform in all respects to such schedule during the continuance of the gas shortage period. The utility or non-utility supplier shall:

(i) First, within the limit of contractual rights, reduce deliveries to all consumers purchasing natural gas under contracts permitting the supplier to interrupt deliveries: *Provided*, That deliveries of gas necessary for the maintenance of the war production and essential civilian services listed in Exhibit A, as the same may be amended from time to time, shall be reduced only to the extent that the fuel requirements for such production and services can be supplied from the consumer's standby facilities: *And provided*, That deliveries shall be maintained to any consumer to the minimum extent necessary to prevent permanent damage to production and service facilities, except that such deliveries shall be interrupted under paragraph (c) (1) (v) below.

(ii) Second, if such action has not previously been taken, operate utility's or non-utility supplier's stand-by gas manufacturing facilities up to their maximum operating capacity: *Provided*, That any utility may request the War Production Board to direct the operation of specific consumer stand-by facilities (in addition to those provided above) prior to the operation of such utility's stand-by manufacturing facilities, upon the ground that such action would relieve the gas shortage more expeditiously, or



with less use of critical fuels, or would otherwise be in the interest of the war effort.

(iii) Third, reduce deliveries without regard to the supplier's contractual rights or those of any consumer to all remaining consumers having stand-by facilities, to the extent of the capacity of stand-by facilities.

(iv) Fourth, if such action has not previously been taken, notify all domestic and other consumers by radio, newspaper, or any other available means of general communication, that a temporary gas emergency in the area exists or is imminent and appeal for the immediate institution of voluntary curtailment by all gas consumers, to be maintained until notification that the emergency has passed.

(v) Fifth, interrupt deliveries within the limits of contractual rights to any consumers purchasing gas under contracts permitting the supplier to interrupt deliveries, who have not been fully curtailed under previous steps: *Provided*, That deliveries shall be maintained to consumers listed on Exhibit A to the extent necessary to prevent interference with production or essential operations.

(vi) Sixth, reduce deliveries to all consumers not fully curtailed under previous steps, without regard to the supplier's contractual rights or those of any consumer or the non-existence of stand-by facilities: *Provided*, That deliveries shall be maintained to consumers listed on Exhibit A to the extent necessary to prevent interference with production or essential operations.

(vii) Seventh, reduce deliveries to any consumers listed in Exhibit A to the extent that operations of such consumers have been determined by the War Production Board to be of such nature as to permit reductions in delivery of gas without permanent loss in production of critical end products or essential services.

(viii) Eighth, if further reductions in deliveries are necessary, curtail all remaining consumers on a uniform proportionate basis so far as practicable pending receipt of special directions from the War Production Board.

(2) A "gas shortage" shall be deemed to exist whenever (i) a utility or non-utility supplier finds it necessary to reduce deliveries to its consumers, or (ii) the utility or non-utility supplier is able to maintain full deliveries to all consumers only by excessive withdrawals from storage or reserves which impair its ability to meet its forthcoming peak-day requirements to the usual extent, or (iii) the War Production Board notifies a utility or non-utility supplier that it considers a shortage to exist on such system.

(3) Deliveries to domestic consumers during gas shortages shall be made pursuant to such directions as the War Production Board may from time to time issue: *Provided*, That any utility may at

any time submit to the War Production Board a practicable program for the curtailment of its domestic consumers during such gas shortages and request that it be declared operative by the War Production Board among consumers of such utility.

(4) Except as set forth in the proviso of the first paragraph of paragraph (c) (1), or pursuant to special directions of the War Production Board, deliveries to any consumer in the respective groups defined above in paragraphs (c) (1) (i) to (c) (1) (vii) inclusive, shall not be reduced until deliveries to all consumers in prior groups have been fully suspended in accordance with the specific provisions of such paragraph: *Provided*, That deliveries to consumers in any group who consume less than 3000 mcf of gas per month need not be suspended before commencing curtailment of successive groups where such consumers are scattered or for other reasons not susceptible of speedy curtailment. Reductions to consumers defined in paragraph (c) (1) (i) shall be on such basis as will relieve the shortage most expeditiously; reduction to consumers within all groups defined in paragraph (c) (1) (iii) to (c) (1) (vii) inclusive shall so far as practicable be made on a uniform proportionate basis: *Provided*, That any utility or non-utility supplier may request the War Production Board to approve a specific program for such interruptions within any class of consumers, on a geographic or other basis which will relieve gas shortages more expeditiously.

(5) Each utility or non-utility supplier shall classify each of its industrial and commercial consumers within the applicable grouping in the schedule set forth in paragraph (c) (1) and upon specific request of the War Production Board shall, on or before November 15th of each year forward such consumer classification lists to the War Production Board on Form WPB-619, together with the other data relative to operations during shortages required by such form. Unless modified or revised by direction of the War Production Board, such consumer classification lists submitted on Form WPB-619 shall determine the grouping of each consumer in the application of the curtailment schedule set forth in paragraph (c) (1). At the direction of the War Production Board specific consumers or classes of consumers may at any time be classified in any of the groups defined in paragraph (c) (1) (i) to (c) (1) (vii) inclusive, or in any special group, without regard to size, nature, or terms of delivery, whenever such action will assist in relieving gas shortage more expeditiously, or with less use of critical fuels, or in other respects will be in the interest of the war effort.

(6) Whenever, pursuant to any of the provisions of this order, or any special

direction of the War Production Board, a utility or non-utility supplier is required to reduce deliveries to any consumer, it shall notify such consumer accordingly. Upon receipt of such notification each consumer shall reduce his acceptance of gas deliveries in accordance therewith.

(7) Notwithstanding any provisions of this order, if the War Production Board, after investigation, shall determine that any consumer having stand-by facilities, has failed to provide himself with an adequate supply of fuel for the operation of such stand-by facilities despite the availability of such fuel, the War Production Board may prohibit deliveries of gas to, and acceptances of gas by, such consumer to the extent that his requirements of gas could have been decreased through the operation of such stand-by facilities.

(8) The following reports shall be filed with the War Production Board relative to gas shortages:

(i) Whenever any utility or non-utility supplier reduces deliveries of gas to any consumer pursuant to paragraph (c) (1) (v) above or any subsequent subparagraph of (c) (1), such utility or non-utility supplier shall immediately notify the War Production Board, Office of War Utilities, Natural Gas Division, Ref.: U-7, by telegram, of the extent of such reduction.

(ii) On or before the 15th day of each month following a calendar month during which reductions in delivery have occurred, each affected utility or non-utility supplier shall submit a report on Form WPB-620 of the aggregate volumes of natural gas conserved by such reductions in delivery and the volumes of natural gas replaced by consumer stand-by facilities and by utility or non-utility supplier gas manufacturing stand-by facilities.

(iii) On or before the 15th day of each month, each utility or non-utility supplier in certain areas specifically designated by the War Production Board shall submit on Form WPB-2077 a report of natural gas underground storage operations, summarizing such operations for the calendar month preceding the date of reporting.

(d) *Restrictions on deliveries of natural gas to non-residential consumers.* (1) No utility or non-utility supplier shall deliver natural gas to any non-residential consumer for the operation of any gas-fired equipment (including space heating equipment) and no non-residential consumer shall accept such deliveries, unless:

(i) Such equipment was installed and in regular operation at the same premises prior to November 30, 1942: *Provided*, Deliveries of natural gas for the operation thereof were not prohibited prior to that date by Limitation Order L-31, or



(ii) If such equipment was converted from some other fuel to natural gas, such conversion was completed and the equipment was in regular operation at the same premises prior to November 30, 1942: *Provided*, That deliveries of natural gas for the operation thereof were not prohibited prior to that date by Limitation Order L-31, or

(iii) Such equipment replaces gas-fired equipment of equal or greater capacity previously installed and regularly operated at the same premises for the same purposes: *Provided*, That non-space heating equipment is not replaced with space heating equipment, or

(iv) Such deliveries have been specifically approved by the War Production Board: *Provided*, That deliveries of natural gas may be made where necessary for the operation of oil well or gas well drilling equipment.

(2) The War Production Board may, by specific direction, establish monthly delivery quotas, limit increases in or require decreases of the monthly volume of natural gas which may be delivered to or accepted by any non-residential consumer in certain gas shortage areas, whenever it is determined that such action is necessary or appropriate; and upon the issuance of such directions no person shall make or accept deliveries which are not in conformance therewith.

(e) *Restrictions on deliveries of natural gas to residential consumers.* No utility or non-utility supplier shall deliver to any residential consumer, and no residential consumer shall accept delivery of natural gas for the operation of any space heating equipment in any area listed in Exhibit B unless:

(1) Such equipment was installed and in regular operation at the same premises prior to December 2, 1942: *Provided*, That deliveries of natural gas for the operation of such equipment were not prohibited prior to the same date by Limitation Order L-31; or

(2) If such equipment was converted from some other fuel to natural gas, such conversion was completed and the equipment was in regular operation at the same premises prior to December 2, 1942: *Provided*, That deliveries of natural gas for the operation of such equipment were not prohibited prior to the same date by Limitation Order L-31, or

(3) In the case of new construction in any area listed in Exhibit B, such equipment was specified in the construction contract and was installed prior to March 1, 1943: *Provided*, That deliveries of natural gas for the operation thereof were not prohibited prior to that date by Limitation Order L-31, or

(4) Such equipment replaces gas-fired equipment of equal or greater input capacity installed and regularly operated at the same premises, whether by the same or another consumer, or

(5) Such deliveries have been specifically approved by the War Production

Board: *Provided*, That deliveries of natural gas may be made to residential consumers in those areas not listed in Exhibit B of this order, as the same may be from time to time amended, for the operation of space heating equipment.

(f) *Conversions and prohibited installations.* (1) No person shall install or cause to be installed gas-fired equipment designed to receive deliveries of natural gas from any utility if such deliveries are prohibited by paragraphs (d) or (e) of this order.

(2) If the War Production Board, after investigation, shall determine:

(i) That the gas-fired equipment owned or operated by any person can, without exceptional expense or hardship to such person, be converted to the use of, or be replaced by equipment using, a less critical fuel of which a supply is available, and

(ii) That such conversion or replacement will contribute to the alleviation of actual or prospective gas shortages, or to the maintenance of gas deliveries to war producers or essential civilian services, the War Production Board may upon sufficient notice to permit such conversion or replacement, prohibit further deliveries or acceptances of natural gas for the operation of such gas-fired equipment.

(g) *Conservation for war needs.* When the War Production Board by special direction prohibits or limits the use of natural gas for specific purposes in order to safeguard essential gas supplies in the interest of the war effort, no person shall use, deliver, or accept natural gas in violation of restrictions thus established.

(h) *Appeals and applications.* (1) Any person affected by this order, or any direction issued thereunder, who considers that compliance therewith or the operation thereof would work an exceptional and unreasonable hardship, or would in other respects be prejudicial, may appeal for relief by letter to the War Production Board.

(2) Any person who considers that any reduction in or prohibition of deliveries of natural gas made, or proposed to be made pursuant to any provision of this order, or any direction issued thereunder, interferes or will interfere materially with war production or essential civilian service, may apply to the War Production Board for relief by letter communication setting forth all relevant details. Any utility or non-utility supplier which considers that the supply of natural gas available on its system is sufficient to provide for all existing and estimated future requirements of war industry and unrestricted civilian use, may apply for exemption of its system, or any portion thereof, from the provisions of paragraph (d) or (e) of this order.

(3) Applications by consumers for exemption from any of the restrictions on

deliveries of natural gas contained in paragraphs (d) and (e) of this order shall be made on Form WPB-3314.

(i) *Reports and information.* (1) Each utility and non-utility supplier shall keep and preserve for not less than two years accurate and complete records concerning deliveries of natural gas to consumers or to other utilities or non-utility suppliers. Such records shall be subject to inspection by duly authorized representatives of the War Production Board.

(2) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall, from time to time request.

(j) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Office of War Utilities, Washington 25, D. C. Ref.: U-7.

(k) *Violations.* Any person who willfully violates any provision of this order or any direction issued hereunder, or who, in connection with such order or direction willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 17th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

EXHIBIT A—CONSUMERS WHOSE GAS DELIVERIES MAY BE REDUCED UNDER PARAGRAPH (c) (1) ONLY TO THE EXTENT THAT THE CONSUMERS' FUEL REQUIREMENTS CAN BE SUPPLIED FROM STANDBY FACILITIES

(Gas for space heating purposes to any consumers listed below shall be supplied only to the minimum extent necessary to prevent impairment of health of persons or damage to facilities).

1. *Public Welfare and Safety.* (a) Fire and police stations, prisons, asylums, schools, court-houses, offices of governmental agencies.

(b) Hospitals, dispensaries, research laboratories, medical and dental establishments, crematories, undertaking establishments.

(c) Water, sewage disposal and sanitation systems, to the extent that gas is required



for the disposal of sewage and garbage, and for the operation of power equipment.

(d) Public utilities, to the extent that gas is required for the ignition of other fuels (not exceeding 1% of the total B. T. U. content of the fuel used for boiler operations) and for the operation of distribution and transmission equipment.

(e) Boarding, rooming, and residential institutions, dormitories, apartment houses, hotels, housing developments, (to the minimum extent necessary to prevent injury to persons or facilities).

2. *Food.* (a) Public eating establishments (whose principal business is the serving of food), including industrial plant and store cafeterias, but not including private dining rooms, night clubs, taverns, etc.

(b) Bakeries (to the extent necessary for manufacture of bread products only).

(c) Dairies (to minimum extent necessary to prevent loss of perishable products).

(d) Meat, poultry, fish and perishable food packing, raising, and warehousing establishments (to minimum extent necessary to prevent loss of perishable products or material in process).

3. *Transportation and Communication Services and Facilities.* (a) Repair yards, docks and shops, to the extent they are used for the maintenance or repair of public transportation equipment, and equipment used by the armed forces or in connection with police, fire-prevention and public health or safety activities.

(b) Postal, telephone, telegraph and radio.

(c) Newspapers (only to the extent required for dissemination of news to the general public).

4. *Industrial plants* (to the extent they are engaged in the production or processing of the following munitions, equipment or materials):

(a) Airplanes, airplane engines and parts.

(b) Alcohol (industrial).

(c) Castings, extrusions and forgings of ferrous and non-ferrous alloys, including brass, bronze, malleable iron and steel.

(d) Graphite electrodes.

(e) Liquid oxygen.

(f) Metals, as follows: Brass, nickel, cadmium, monel metal, pig iron, steel and ferroalloys.

(g) Military radio, radar, and field communication equipment.

(h) Military and naval map-making and blueprinting.

(i) Naval and merchant ships and parts.

(j) Ordnance items, including guns, ammunition, explosives and combat and military vehicles.

(k) Rubber.

(l) Sulphuric acid.

(m) The following machinery and equipment:

Ball and roller bearings and parts

Boilers (power)

Diesel engines

Electrical measuring instruments

Electrical motor control equipment

Generators and electrical motors

Heat exchangers

High pressure blowers

Industrial pumps (except irrigation and domestic)

Industrial trucks

Locomotive and railroad cars

Mechanical power transmission equipment (including gears of all types)

Mining machinery and equipment

Navigation instruments

Optical instruments and lenses

Pressure vessels

Searchlights (for mobile military equipment)

Steam engines (for marine use only)

Steam turbines

Track-laying tractors

Water-purification equipment

**EXHIBIT B—AREAS RESTRICTED AGAINST DELIVERIES OF NATURAL GAS TO RESIDENTIAL CONSUMERS FOR SPACE HEATING PURPOSES IN PARAGRAPH (c)**

*Alabama* (only the area supplied by the Southern Natural Gas Company in the following counties): Autauga, Bibb, Blount, Calhoun, Cleburne, Dallas, Elmore, Etowah, Hale, Jefferson, Lee, Macon, Montgomery, Perry, Pickens, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, and Walker.

*Arizona.*

*Arkansas* (only the area supplied by the Mississippi River Fuel Corporation in the following counties): Arkansas, Ashley, Bradley, Clay, Cleveland, Craighead, Drew, Independence, Jackson, Jefferson, Lawrence, Lincoln, Lonoke, Prairie, Randolph, and White.

*California.*

*Colorado* (only the area supplied by the Colorado Interstate Gas Company in the following counties): Adams, Arapahoe, Bent, Boulder, Denver, Douglas, El Paso, Fremont, Jefferson, Larimer, Las Animas, Otero, Pueblo, and Weld.

*District of Columbia.*

*Georgia.*

*Illinois.*

*Indiana.*

*Iowa.*

*Kansas* (only the following counties):

Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chatauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Doniphan, Douglas, Edwards, Elk, Ellis, Ellsworth, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Jefferson, Jewell, Johnson, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyons, Marion, Marshall, McPherson, Miami, Mitchell, Montgomery, Morris, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Shawnee, Smith, Stafford, Sumner, Thomas, Wabaunsee, Washington, Wilson, Woodson, Wyandotte (and the area served by Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, and Natural Gas Pipeline Company of America in the following counties): Ford and Meade.

*Kentucky.*

*Maryland.*

*Michigan.*

*Minnesota.*

*Mississippi* (only the area supplied by the Memphis Natural Gas Company and Southern Natural Gas Company in the following counties): Attala, Bolivar, Choctaw, Clay, Coahoma, DeSoto, Holmes, Issaquena, Kemper, Lauderdale, Lee, Leflore, Lowndes, Monroe, Noxubee, Oktibbeha, Sharkey, Sunflower, Tunica, Warren, Washington, Winston and Yazoo.

*Missouri.*

*Nebraska* (only the following counties):

Adams, Buffalo, Burt, Butler, Cass, Clay, Colfax, Cuming, Dakota, Dawson, Dixon, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Keith, Lancaster, Lincoln, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Wayne, Webster, and York.

*New Jersey.*

*New Mexico* (only the area supplied by the Canadian River Gas Company and El Paso Natural Gas Company in the following counties): Dona Ana, Grant, Hidalgo, Luna, and Union.

*New York.*

*Ohio.*

*Oklahoma* (only the area supplied by the Cities Service Gas Company and Consolidated Gas Utilities Corporation in the following counties): Alfalfa, Beaver, Caddo, Cleveland, Craig, Creek, Ellis, Grant, Harper, Hughes, Kay, Lincoln, Logan, McClain, Noble, Nowata, Okfuskee, Oklahoma, Osage, Ottawa, Pawnee, Pontotoc, Seminole, Texas, Washington, Woods, and Woodward.

*Pennsylvania.*

*South Dakota* (only the following counties): Clay, Lincoln, Minnehaha, Union, and Yankton.

*Tennessee.*

*Utah.*

*Virginia.*

*West Virginia.*

*Wyoming* (only the area supplied by Colorado Wyoming Gas Company and Mountain Fuel Supply Company in the following counties): Laramie, Sweetwater, and Uinta.

[F. R. Doc. 43-18501; Filed, November 17, 1943; 11:32 a. m.]

**Chapter XI—Office of Price Administration**

**PART 1312—LUMBER AND LUMBER PRODUCTS**

[MPR 348, Amdt. 13]

**LOGS AND BOLTS**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 348, Appendix J (Excelsior Wood) is amended in the following respects:

1. Table 2 is amended so that Zone 3 under the paragraph "Area" shall read as follows:

Zone 3. In the State of North Carolina, all counties other than those named in Zone 2, and except Rockingham, Stokes and Caswell Counties.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F. R. 3670, 5163, 5565, 6365, 8751, 9515, 10023, 11214, 12797, 13337, 14212, 14394, 15190.



2. Table 3 is amended so that the paragraph "Area" shall read as follows:

*Area.* That part of Virginia east of and including Pulaski, Carroll and Giles Counties, and in North Carolina, Rockingham, Stokes and Caswell Counties.

3. Table 3 is amended so that the paragraph entitled "Maximum Prices" shall read as follows:

Maximum prices	Peeled	Un-peeled
Pine and poplar (unit of 180 cu. ft.).....	\$16.30	\$11.25

This amendment shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18471; Filed, November 16, 1943;  
4:18 p. m.]

#### PART 1340—FUEL

[MPR. 137,<sup>1</sup> Amdt. 41]

##### PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1340.91 (k) is amended to read as follows:

(k) *New York City, New York, Metropolitan Area.* (1) Within the corporate limits of New York City, New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.0 cents per gallon.

(2) Within the Counties of Westchester, Nassau and Suffolk, State of New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 13.7 cents per gallon.

This amendment shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18473; Filed, November 16, 1943;  
4:16 p. m.]

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 12017, 14074.

No. 229—3

#### PART 1340—FUEL

[MPR 137,<sup>1</sup> Amdt. 42]

##### PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1340.91 (y) is added to read as follows:

(y) *State of New Jersey.* Within the Counties of Union, Middlesex, Essex, Hudson, Bergen, and Passaic, State of New Jersey, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 13.7 cents per gallon.

This amendment shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18474; Filed, November 16, 1943;  
4:16 p. m.]

#### PART 1340—FUEL

[RPS 88,<sup>1</sup> Amdt. 137]

##### PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1340.159 (c) (3) (xxvi) is amended to read as follows:

(xxvi) *Greenwich and Norwalk, Connecticut Area—Maximum prices of kerosene, No. 1 fuel oil, range oil, and Nos. 2 and 3 fuel oil.* In the Greenwich and Norwalk area comprising the following towns and cities in the State of Connecticut: Darien, Greenwich, New Canaan, Norwalk, Stamford, Stamford City and Wilton, maximum prices shall be as follows:

(a) For kerosene, No. 1 fuel oil and range oil.

	Cents per gallon
F. o. b. terminals in bulk lots loaded into tank cars or motor transports...	7.4
Loaded into buyer's tank wagons except at New Canaan.....	7.7
Loaded into buyer's tank wagon at New Canaan.....	8.0
Tank wagon deliveries to resellers in quantities of 25 gallons or over.....	9.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over.....	10.3

\* 8 F.R. 12017, 14078.

#### Cents per gallon

Tank wagon deliveries to consumers in quantities of less than 25 gallons.... 11.8

NOTE: Section 1340.159 (b) (9), providing for an increase of 3 of a cent per gallon on tank wagon and certain container deliveries does not apply to the maximum prices established herein; there are no additions to be made to such prices.

(b) For Nos. 2 and 3 fuel oil.

#### Cents per gallon

F. o. b. terminals in bulk lots loaded into tank cars or motor transports...	7.1
Loaded into buyer's tank wagons.....	7.3
Tank wagon deliveries to consumers in quantities of 100 gallons or over.....	9.0
Tank wagon deliveries to consumers in quantities of less than 100 gallons...	9.5

NOTE: Section 1340.159 (b) (9), providing for an increase of 3 of a cent per gallon on tank wagon and certain container deliveries does not apply to the maximum prices established herein; there are no additions to be made to such prices.

This amendment shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9255, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18475; Filed, November 16, 1943;  
4:15 p. m.]

#### PART 1341—CANNED AND PRESERVED FOODS

[MPR 493]

##### DRIED AND PROCESSED APPLES AND APPLE PRODUCTS, 1943 CROP AND AFTER

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of the regulation has been issued and filed with the Division of the Federal Register.\* Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1341.608 *Maximum prices for processors and certain other sellers of dried and processed apples and apple products (1943 crop and after).* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 Maximum Price Regulation No. 493 (Dried and Processed Apples and Apple Products, 1943 Crop and After) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1341.608 Issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

<sup>1</sup> 8 F.R. 3718.



MAXIMUM PRICE REGULATION No. 493—DRIED AND PROCESSED APPLES AND APPLE PRODUCTS, 1943 CROP AND AFTER

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ARTICLE I—EXPLANATION OF THE REGULATION

SECTION 1. *Purpose of the regulation.* The purpose of this regulation is to establish maximum prices for the apple products, processed from apples of the 1943 and later crops, listed in section 2.

SEC. 2. *Items covered by the regulation.* This regulation establishes maximum prices for the following apple products:

1. Packed apples.
2. Applesauce.
3. Dried apples.
4. Sweet cider.
5. Packed apple juice.
6. Boiled cider.
7. Concentrated cider.
8. Filtered concentrated apple juice.
9. Depectinized concentrated apple juice.
10. Bland apple syrup.
11. Vinegar stock.

SEC. 3. *Sellers covered by the regulation.* This regulation establishes maxi-

imum prices for processors of the commodities listed in section 2 and for sales of these commodities by persons other than wholesalers and retailers. Maximum prices for wholesalers and retailers are governed by Maximum Price Regulations Nos. 421,<sup>1</sup> 422,<sup>2</sup> and 423.<sup>3</sup> "Wholesaler" and "retailer" mean the persons respectively referred to as wholesalers and retailers in those regulations.

SEC. 4. *Exempt sales.* The following sales shall be exempt from the provisions of this regulation: Sales by processors of any of the items listed in section 2, when the aggregate of sales during the calendar year 1943 does not exceed 1500 quarts (or an equivalent amount in other container sizes) processed from apples of the 1943 crop.

SEC. 5. *Geographical applicability.* This regulation applies only to the forty-eight states of the United States and to the District of Columbia.

SEC. 6. *Export and import sales.* The maximum price at which a person may export any item covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation,<sup>4</sup> and amendments. Sales of apple products which have been packed outside of the geographical area to which this regulation applies are not covered by this regulation except in cases where the goods being priced are located within the area at the time of sale.

SEC. 7. *Definitions.* (a) When used in this regulation the term:

"Item" means any kind, grade, style of pack and container type and size of a product.

"Boiled cider" means the product obtained by boiling pure cider in an open receptacle to the extent that at least six gallons of pure cider are used to obtain one gallon of boiled cider.

"Concentrated cider" means the product obtained by concentrating pure cider by heating under vacuum.

"Filtered concentrated apple juice" means the product obtained by filtering apple juice and concentrating it by heating under vacuum.

"Depectinized concentrated apple juice" means the product obtained by filtering pure apple juice, concentrating it by heating under vacuum and depectinizing it to a sufficient extent to result in a liquid concentrate.

"Bland apple syrup" means the product obtained by removing or neutralizing the malic acid from pure apple juice, concentrating after slightly reacidifying, and heating under reduced pressure to the extent that the product meets the minimum test of 40° Baume.

"Vinegar stock" means fermented apple juice or fermented apple cider.

"Processor" means a person who processes and packs any part of what he

sells of the kind and brand (if any) of the apple product being priced.

"Most closely competitive processor" means the processor who (i) sells to the same class of buyers, (ii) produces the same or a similar quality range of the item being priced, (iii) has in the past sold the same kind of item at approximately the same prices as the processor establishing a maximum price, (iv) has used the same general merchandising methods, and (v) is located in the same general growing and packing area or, if there is no such processor in the same general growing and packing area, is located in the nearest growing and packing area.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, apply to other terms used in this regulation.

ARTICLE II—MAXIMUM PRICES AND PRICING METHODS

SEC. 8. *General explanation of how prices are figured.* Some of the items covered by this regulation (dried apples, boiled cider, bland apple syrup, vinegar stock, depectinized concentrated apple juice, concentrated cider and filtered concentrated apple juice) are priced on a nation-wide dollars-and-cents basis, while maximum prices for the remaining products (packed apples, applesauce, packed apple juice, and sweet cider) are determined by the processor by a formula method. The formula method used provides generally for the processor to (a) determine his weighted average price per dozen containers or other unit during the 1941 base period, (b) multiply the figure so obtained by 1.10, (c) deduct from the result of this multiplication his 1941 raw fruit cost, and (d) add to the figure so obtained his 1943 raw fruit cost per unit.

The processor must establish a maximum price for each item of the apple products packed by him (that is, for each separate kind, grade, style of pack, and container type and size).

The grower-processor (including the grower owned cooperative) determines his maximum price in the manner explained, except that he refers to his most closely competitive processor, who purchases apples for use in making the product, for his raw material costs for 1941 and 1943.

A processor who is unable to establish a maximum price by the formula method may establish a maximum price by the optional pricing method set forth in section 19, by figuring a price based on his current cost of packing the commodity.

Separate maximum prices are established for sales to government agencies.

SEC. 9. *Maximum prices for packed apples, applesauce, apple juice, and sweet cider, made from whole apples.* (a) The processor's maximum price per dozen containers or other unit of sale, f. o. b. factory, for each item of packed apples, applesauce, apple juice, and sweet cider, made from whole apples, in sales to purchasers other than govern-

<sup>1</sup> 8 F.R. 9388, 10569, 10987, 13293.

<sup>2</sup> 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294.

<sup>3</sup> 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294.

<sup>4</sup> 8 F.R. 4132, 5987, 7652, 9998.



ment procurement agencies, shall be figured as follows. The processor shall:

(1) *Determine the base price.* First, the processor shall figure the weighted average price per dozen or other unit, f. o. b. factory, for the item being priced during the first 60 days after the beginning of the 1941 pack. (This average price will be called the base price.) "Weighted average price" means the total gross sales dollars charged for the item divided by the number of dozens of containers or other units of sale sold. All sales made in the regular course of business during the base period (first 60 days after the beginning of the 1941 pack) shall be included, regardless of the date of delivery, except sales contracts made with government procurement agencies. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the period.

(2) *Adjust the base price.* Next, the processor shall multiply the base price by 1.10.

(3) *Subtract the 1941 raw fruit cost.* The processor shall then subtract from the result of this multiplication the 1941 weighted average raw fruit cost per dozen or other unit of the finished product delivered to his customary receiving point. This is figured by dividing the total amount paid for apples of the 1941 crop used in processing the product by the total number of tons or other units of the raw fruit purchased, all converted into cost per dozen or other unit of the finished product.

(4) *Add the 1943 raw fruit cost.* Next, the processor shall add the 1943 weighted average raw fruit cost per dozen or other unit of the finished product. The amount to be added shall be figured as follows. The processor shall:

(i) Divide the total amount paid for apples of the 1943 crop used in processing the product (delivered at his customary receiving point) by the total number of tons or other units of the raw fruit purchased. However, in making this calculation, the processor shall figure on the basis of not less than 75% of his total purchases of the 1943 crop, and he shall not include amounts paid in excess of the respective amounts shown in the following tables:

If the processor buys this grade—	In computing his average costs he may not include more than this price per cwt.—	
	Class A varieties	Class B varieties
Grades:		
Above U. S. No. 1 cannery grade, 2 1/4 inch and up (and "C" grade as established under Washington and Oregon State grades)	\$3.10	\$2.50
U. S. No. 1 cannery grade, 2 1/4 inch and up (and "C" grade as established under Washington and Oregon State grades)	3.10	2.50
U. S. No. 2 cannery grade, 2 1/4 inch and up	1.65	1.50
Apples which grade less than U. S. No. 2 cannery grade (Ciders)	1.00	1.00

"Class A Varieties" means the following varieties:

New York—Baldwin, R. I. Greening, Northern Spy, Twenty-ounce, Northwestern Greening, Grimes Golden, Stayman, King and Stark.

Pennsylvania, Maryland, West Virginia, and Virginia—York Imperial, Stayman, Golden Delicious, and Grimes Golden.

Oregon and Washington—Golden Delicious, Winesap, Spitzenberg, Arkansas Black, Newtown, Rome Beauty, Stayman, Ortley and Jonathan.

California—Gravenstein, Bellflower, Newtown, Baldwin, Northwestern Greening, Rhode Island Greening, Arkansas Black, Black Twig, Jonathan, Golden Delicious, Rome Beauty and Spitzenberg.

All other states—Golden Delicious, Northern Spy, R. I. Greening, Grimes Golden, Stayman, Rome Beauty, Baldwin, Wegener, Northwestern Greening, Twenty-ounce and Stark.

"Class B varieties" means all other varieties of apples used for processing.

If the processor makes this product, in computing his average costs he may not include more than this price per cwt.—

Packed apples and applesauce	\$3.10
Packed apple juice	1.65
Sweet cider	1.00

(ii) Divide the figure obtained by making the calculation in paragraph (i) by the weighted average cost, per ton or other unit of the raw fruit, of apples of the 1941 crop used in the product (delivered to his customary receiving point).

(iii) Multiply the figure obtained by this division by the 1941 weighted average raw fruit cost per dozen or other unit of the finished product (the figure which was subtracted under paragraph (3) above).

(5) *Adjust for approved increases in wage rates.* Finally, the processor shall make a further adjustment for those factories which are located in the states listed below in section 14, if they are subject to increased wage rates approved by the War Labor Board. The method of figuring this adjustment is set forth in that section.

*Example.* (1) Assume that the processor has figured a base price for packed apples of \$1.80 per dozen.

(2) Multiply this figure by 1.10, which results in a figure of \$1.98 (this is the processor's base price as adjusted under subparagraph (2)).

(3) If the cost for apples in 1941 converted into units of the finished product was 60 cents a dozen, subtract 60 cents from \$1.98, which results in a figure of \$1.38.

(4) To this figure add the 1943 raw fruit cost per dozen containers, which is figured as follows: If the processor's average cost for apples used in processing packed apples in 1941 was \$1.00 per cwt. and in 1943 was \$2.50 per cwt., divide \$2.50 by \$1.00, which results in a figure of 2.5. Multiply this figure by the 1941 cost per dozen for packed apples (60 cents multiplied by 2.5 equals \$1.50). \$1.50 is the processor's raw fruit cost per dozen containers for the 1943 crop of apples. This figure added to the result of the subtraction in (3) is the processor's maximum price. (\$1.38 plus \$1.50 equals \$2.88.)

(5) If the processor has incurred a wage rate increase which meets the requirement of section 14, multiply the maximum price by the figure indicated in that section for the state where the factory is located and for the product. (\$2.88 multiplied by 1.03 equals \$2.9664.)

(b) The grower-processor (including the grower-owned cooperative) shall figure his maximum price for any item covered by this section by using the pricing method set forth in paragraph (a), except that in making the adjustments required in subparagraphs (a) (3) and (a) (4), he shall subtract from the result of the multiplication made under subparagraph (a) (2) the 1941 weighted average raw fruit cost of his most closely competitive processor who purchases apples (for use in making the product) and add to the difference so obtained the 1943 weighted average raw fruit cost of the same competitor (both per dozen or other unit of the finished product). "Grower-processor" means a processor who grows all the apples which he uses in making the product being priced.

Sec. 10. *Maximum prices for dried apples.* The processor's maximum prices, f. o. b. factory, for dried apples, in sales to purchasers other than government procurement agencies, shall be the following prices plus any applicable adjustments provided in section 14 for increased wage rates (prices include containers):

Grade	Style of pack	Maximum price
		Cents per pound
U. S. Grade A	Rings, quarters, or slices	36
U. S. Grade B	do	35
U. S. Grade C	do	33
Unclassified	do	25
Chops not exceeding 20% moisture content		16
Chops exceeding 20% moisture content but not exceeding 24% moisture content		14

Sec. 11. *Maximum prices for boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice, and bland apple syrup.* (a) The processor's maximum prices, f. o. b. factory, for boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice, and bland apple syrup, in sales to purchasers other than government procurement agencies, shall be the following prices plus any applicable adjustments provided in section 14 for increased wage rates (prices include containers):

Product	Baume test	Maximum price
Boiled cider	32 degrees	\$1.45 per gallon.
Concentrated cider	32 degrees	\$1.55 per gallon.
Filtered concentrated apple juice	32 degrees	\$1.62 per gallon.
Depectinized concentrated apple juice	32 degrees	\$1.72 per gallon.
Bland apple syrup	40 degrees or better	\$0.17 per pound.

(b) To figure maximum prices, f. o. b. factory, for boiled cider, concentrated cider, filtered concentrated apple juice, and depectinized concentrated apple juice, testing other than 32 degrees Baume, the processor shall add to the price named in paragraph (a), as ad-



justed under section 14, the sum of five cents per gallon for each degree over 32 degrees which the product tests, and he shall deduct from the named price, as adjusted, the sum of five cents per gallon for each degree under 32 degrees. For fractions of degrees over or under 32 degrees, the processor shall add or subtract, as the case may be, the similar fraction of five cents.

**SEC. 12. Maximum prices for vinegar stock.** The processor's maximum prices, f. o. b. factory, for vinegar stock of 16 proof (or higher) alcoholic content, in sales to purchasers other than government procurement agencies (prices include containers) shall be 17 cents per gallon plus any applicable adjustments provided in section 14 for increased wage rates. The processor's maximum prices, f. o. b. factory, for vinegar stock testing lower than 16 proof alcoholic content in each case shall bear the same proportion to 17 cents as its alcoholic proof content bears to 16 proof. For example, vinegar stock of 15 proof alcoholic content would be priced at 15/16th of 17 cents.

**SEC. 13. Maximum prices for apple products in new container types or sizes.**

(a) The maximum price per dozen or other unit for any item covered by section 9 which is packed in any container type or size which the processor did not sell during the 1941 base period (first 60 days after the beginning of the 1941 pack) shall be figured as follows. He shall:

(1) **Determine the base container.** If the processor sold the same product (that is, the same kind, grade and style of pack) during the 1941 base period, but only in other container types or sizes, he shall first determine the most similar container type for which he is able to calculate a maximum price for that product under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger than the new size, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the base container. If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

**NOTE:** In most cases "the most similar container type" will be merely the container type which the processor is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will of course be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(2) **Find the base price.** The processor shall take as the "base price" his maximum price under this regulation for the product when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the processor's shipping point, the processor shall first convert it to a base price f. o. b. shipping

point by deducting whatever transportation charges were included in it.

(3) **Deduct the container cost.** Taking his base price f. o. b. shipping point, the processor shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the processor's plant, of the container, cap, label and proportionate part of the outgoing shipping carton but it does not include cost of filling, closing, labeling or packing.

(4) **Adjust for any difference in contents.** The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) **Add the new container cost to get the price f. o. b. shipping point.** Next, the processor shall add to the adjusted figure the "direct cost" of the container in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. shipping point price the resulting figure is the processor's maximum price f. o. b. shipping point.

(6) **Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.** If the processor's maximum price for the product in the base container is a delivered price, he shall figure transportation charges to be added as follows: The processor shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the product in the new container will move under a different freight tariff classification, the processor shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification on March 17, 1942. Increases in tariff rates or transportation taxes made since March 17, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge). The processor shall then add these transportation charges to his f. o. b. shipping point price for the commodity in the new container. The resulting figure is the processor's maximum delivered price.

**SEC. 14. Adjustment of maximum prices for approved increases in wage rates.** (a) Processors of any of the items listed in section 9 whose factories located in the states listed below shall adjust their maximum prices otherwise established under the provisions of this regulation, if they have incurred wage rate increases approved by the War Labor Board. The adjustments are to be made only when the wage rate increases became effective after January 1, 1943 and only when 50% or more of the processor's pack of the particular item was processed after the effective date of the wage rate increase. The adjustment in each case shall be made by multiplying

the maximum price for the item by the figure indicated below for the product and for the state where the processor's factory is located.

State—Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Utah, Wisconsin, Wyoming.

Product:	Multiply maximum price by—
Packed apples.....	1.03
Applesauce.....	1.02
Apple juice.....	1.02
Sweet cider.....	1.02

State—California, Oregon and Washington.

Product:	Multiply maximum price by—
Packed apples.....	1.04
Applesauce.....	1.045
Apple juice.....	1.02
Sweet cider.....	1.02

(b) Processors of any of the items listed in sections 10, 11, and 12, whose factories are located in the states listed below shall adjust their maximum prices otherwise established under the provisions of this regulation by multiplying the maximum price in each case by the figure indicated for the product.

State—California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin, Wyoming.

Product:	Multiply maximum price by—
Dried apples.....	1.04
Apple chops.....	1.02
Bolled cider.....	1.005
Concentrated cider.....	1.005
Filtered concentrated apple juice.....	1.005
Depectinized concentrated apple juice.....	1.005
Bland apple syrup.....	1.02
Vinegar stock.....	1.02

**SEC. 15. Maximum prices for government sales.** The processor's maximum price, f. o. b. factory, for sales of an item to government procurement agencies shall be 96 percent of its maximum price, f. o. b. factory, for sales to other than government procurement agencies.

**SEC. 16. Uniform prices where the processor has more than one factory.** Any processor who packs an item at more than one factory and whose maximum prices for the item vary by factory may establish a uniform maximum price for the item for any group of factories by figuring a weighted average of their separate maximum prices. For any two or more factories selected by the processor, this weighted average maximum price shall be figured by him as follows: He shall (a) determine the total estimated receipts which would have been obtained if his production of the 1942 pack of the item at those factories had been sold at the separate maximum prices which are in effect (under this regulation) on the date of calculation, and (b) divide that figure by the total number of pounds or other units of the item included in that production. Any processor who determines a uniform maximum price for an item for any group of factories shall de-



termine uniform maximum prices for such group of factories for all other items covered by this regulation.

**SEC. 17. Delivered prices.** Any processor who regularly sold a purchaser an item covered by this regulation on a delivered basis during the calendar year 1941 shall increase the maximum price for the item, figured f. o. b. shipping point under this regulation, by the amount of the transportation charge per unit for that item which he added to his f. o. b. shipping point price from the beginning of the 1941 pack to March 17, 1942. The resulting price shall be the processor's maximum delivered price for that purchaser. The processor, of course, is free to sell his goods on an f. o. b. basis. However, in that event, the f. o. b. price charged plus the actual transportation charges incurred by the buyer may not exceed the processor's maximum price figured on a delivered basis.

**SEC. 18. Adjustment of dollars-and-cents maximum prices for processors who perform the wholesale or retail functions.** The adjustments provided by this section apply only to dollar-and-cents maximum prices and not to maximum prices figured on a formula basis.

(a) *Sales by processors from branch warehouses.* The maximum price of a processor who sells an item from a branch warehouse owned or controlled by him to retail stores or to commercial, industrial or institutional users shall figure his maximum prices for these sales, as follows:

(1) If he handled the commodity being priced in this way prior to April 28, 1942, the processor shall add to his specific dollars-and-cents maximum price the freight, if any, incurred from factory to branch warehouse (processors who have more than one factory or branch warehouse may figure freight on a weighted average basis from factory to branch warehouse) and multiply the resulting figure by the mark-up for the item designated for cash-and-carry wholesalers, in Maximum Price Regulation No. 421, if the sale is made without delivery, or by the markup designated for service wholesalers in that regulation, if delivery is made. This mark-up figure may be used only when the particular goods sold have been warehoused at the branch warehouse and are being sold in less-than-carload lots.

(2) If he did not handle the commodity being priced in this way prior to April 28, 1942, the processor's maximum price, f. o. b. branch warehouse is the dollars-and-cents maximum price, f. o. b. factory, plus the freight, if any, incurred from factory to branch warehouse (processors who have more than one factory or branch warehouse may figure freight on a weighted average basis from factory to branch warehouse).

"Branch warehouse" means a plant or warehouse (1) which is maintained physically separate and apart from the processor's factory for the principal purpose of selling (in contrast to storing) food products manufactured by him to independent retail stores or commercial, industrial or institutional users, (2)

from which the larger part of his sales are to those classes of purchasers and (3) which maintains a sales organization separate from the factory sales organization.

(b) *Maximum prices for sales by processors to ultimate consumers.* Processors who sell the items they manufacture to ultimate consumers other than industrial, commercial or institutional users are normally retailers as well, that is, persons whose general business is selling at retail items manufactured by others. Retailers are covered by Maximum Price Regulations Nos. 422 and 423, which also provide pricing methods for items that a retailer may happen to manufacture or process himself (see section 25 of MPR 422). Processor-retailers, therefore, shall figure their maximum prices under those regulations.

**SEC. 19. Alternative pricing method.** In the event that the processor's maximum price for any item covered by section 9 cannot be determined under the pricing methods of that section and of section 13, the processor may, at his election, figure his maximum price under the pricing method of this section or he may apply to the Office of Price Administration, Washington, D. C. for a maximum price under section 23 of this Regulation. Under this paragraph, his maximum price shall be:

(a) His total "direct cost" per dozen or other unit of the items, figured by adding:

(1) His total cost per unit of all ingredients and packaging materials subject to maximum prices established by the Office of Price Administration at the current maximum prices applying to the class of purchasers to which he belongs; plus

(2) The weighted average cost per unit, delivered at the processor's customary receiving point, of apples of the 1943 crop used in processing the product. To determine the weighted average raw fruit cost per dozen containers or other unit of sale the processor shall:

(i) Divide the total amount paid for at least 75% of his total purchases of the 1943 crop used in making the product by the total number of tons or other units of the raw fruit purchased, converting the figure so obtained into dozens or other units of the finished product. However, in making this calculation the processor shall not include amounts paid in excess of the respective amounts shown in the tables in section 9 (a) (4) (i); plus

(3) The total cost per unit of every other ingredient (other than fruit) and every packaging material for which no maximum price has been established by the Office of Price Administration, figured at the current market price of the ingredient or packaging material in question; plus

(4) The direct labor cost per unit figured at October 3, 1942, wage rates, increased by any applicable adjustments provided in section 14 for increased wage rates approved by the War Labor Board; plus

(5) Transportation charges by the usual mode of transportation wherever

cost factors (1), (2), and (3) are not delivered costs, provided that these charges are customarily incurred in hauling from his customary supply point to his processing plant,

(b) Multiplied by a mark-up percentage, figured by dividing:

(1) The maximum price established under the maximum price regulation in effect at the time of calculation for the most closely comparable commodity produced by him with a cost structure similar to that of the item being priced, by

(2) His current cost of ingredients, packaging materials, and direct labor for that commodity.

As used in this paragraph (b), "most closely comparable commodity" means a food commodity which is most nearly similar, whose direct cost is closest to and in no event less than two-thirds of the direct cost of the item being priced, whose maximum price does not exceed 150 percent of its direct cost, and for which methods are employed in its sale and merchandising similar to those which will be used in the sale and merchandising of the item being priced.

As used in this paragraph, "current" means at the time of figuring the price.

(c) The maximum prices determined under the provisions of this section shall be subject to discounts, transportation allowances or other allowances and price differentials no less favorable than those given with respect to the comparable food commodity used in the calculation of the maximum price under this section.

(d) In deciding whether items of labor cost are to be applied as separate items in figuring the price or are to be treated as overhead, the seller shall follow his customary practice. Thus, if a processor treated cleaning labor as an item of overhead in March 1942, he must continue to treat it in this way when figuring the maximum price.

(e) The processor shall apply no cost factors in addition to those which he used in respect to the comparable commodity by which he determined his percentage mark-up under paragraph (b) and he shall make no change in the method of application of those factors which would result in a higher price.

(f) The processor shall report any maximum price figured under this section in accordance with section 31. The maximum price so reported shall be subject to adjustment at any time by the Price Administrator.

**SEC. 20. Label and labor allowances.** Label and labor allowances shall be made by processors, as follows:

(a) When the processor sells an item in unlabeled containers no greater in content than the No. 10 can, the processor shall reduce the maximum price established under this regulation by the sum of \$1.50 per thousand labels used. In addition, the processor shall make a labor allowance by further reducing the maximum price by the sum of one cent per case.

(b) When the processor sells an item in containers no greater in content than the No. 10 can, labeled with labels supplied by the purchaser, the processor shall reduce the maximum price estab-



lished under this regulation by the sum of \$1.50 per thousand labels used.

SEC. 21. *Units of sale and fractions of a cent.* (a) Amounts computed in the process of figuring a maximum price (other than the maximum price itself) shall be carried to four decimal places (hundredths of a cent). On sales to government procurement agencies, the maximum price also shall be carried to four decimal places.

(b) Maximum prices shall be stated in terms of the same general units (like pounds, dozens, etc.) in which the processor has customarily quoted prices for the product. If any figured maximum price (other than on sales to government procurement agencies) includes a fraction of a cent, the processor shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the product.

SEC. 22. *Maintenance of customary discounts and allowances.* No person shall change any customary allowance, discount or other price differential to a purchaser or classes of purchaser, if the change results in a higher net price to that purchaser or class.

SEC. 23. *Individual authorizations of maximum prices.* If the processor's maximum price for an item cannot be determined under the provision of the applicable pricing section, and he cannot or elects not to price under section 19, he shall apply to the Office of Price Administration, Washington, D. C. for a maximum price. His application shall set forth (a) a description in detail of the item for which a maximum price is sought, including its grade and the brand name to be used, if any, the number of packages in each shipping case, and a statement of the facts which makes it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price; (b) an itemized current cost breakdown of the item to be priced, showing separately, according to his own system of accounts or regularly prepared operating statements, all major component cost factors (e. g. direct costs—raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost, and the identical current cost breakdown of the most closely comparable food commodity which contributes substantially to his total volume of business; (c) the desired selling price for the item, including a statement showing the necessity for the desired selling price, any discounts or allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price with discounts and allowances, for the second commodity included in (b) of this section; and (d) the method of distribution to be employed by the seller in marketing the new commodity (i. e.

whether it is to be sold to wholesalers, retailers, consumers or other classes of purchasers). Upon receipt of such application the Office of Price Administration will authorize the maximum price or a method of determining the maximum price for the applicant or for the sellers of the item generally including purchasers for resale or for a class of such resellers. Separate maximum prices will be authorized for sales to government procurement agencies.

Until a maximum price is authorized, the applicant may deliver the item but he may not render an invoice or receive payment for it.

Where any cost factor set forth in the application is an estimated amount, the processor shall file with the Office of Price Administration, Washington, D. C. within six months but not earlier than three months after his maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item prior to the filing date of such statement.

SEC. 24. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon a pending request for a change in price or to give the authorization. The authorization will be given by order.

SEC. 25. *Maximum prices for distributors other than wholesalers and retailers.* The maximum price for an item, f. o. b. shipping point, of a distributor other than a wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases all he sells (for his own account) of the kind and brand being priced and resells it without packing and processing any part of it.

SEC. 26. *Payment of brokers.* In accordance with existing trade custom, every broker taking part in a sale in which the seller is a processor shall be considered as the agent of the seller and not the agent of the buyer. In any case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

#### ARTICLE III—GENERAL PROVISIONS

SEC. 27. *Relationship between this regulation, Revised Maximum Price Regulation No. 233 and the General Maximum Price Regulation.* (a) For

apple products packed from the 1943 and later crops of apples, this regulation supersedes Revised Maximum Price Regulation No. 233,<sup>8</sup> except that that regulation continues to apply to items for which maximum prices are not yet provided in this regulation.

(b) The following sections of the General Maximum Price Regulation<sup>9</sup> apply to sales covered by this regulation:

- (1) Transfer of business or stock in trade (§ 1499.5)
- (2) Federal and states taxes (§ 1499.7)
- (3) Sales slips and receipts (§ 1499.7)
- (4) Definitions (§ 1499.20)

SEC. 28. *When a maximum price is established.* On and after November 16, 1943, a price figured for any item becomes established (that is, fixed) as the processor's maximum price as soon as he has either filed the price or disclosed it to any prospective customer, whether by sale, delivery, offer, or notice of any kind, provided that the figured price is not higher than the applicable pricing method allows. A maximum price for any item may be established only once, and it may not be changed by the seller except (a) with the written permission of the District Office of the Office of Price Administration for the area in which he is located in cases where the processor has figured his maximum price lower than the applicable pricing method allowed, or (b) in cases where a change in the regulation changes the processor's applicable pricing method.

If the processor is disclosing a price lower than the one he figured, he may establish the higher (figured) price as his maximum price at the time of disclosure only by recording it and naming it as such, in ink, in his books before he discloses the lower price. A seller who has not figured a price for an item, or has figured a price higher than the applicable pricing method allows, may not sell the item until he has established the maximum price for the item in accordance with the rules of this section.

SEC. 29. *Notification of change in maximum price.* With the first delivery after November 16, 1942, of an item of dried or processed apples or apple products, in any case where a seller determines his maximum price under this regulation and the maximum price is different from that which he previously had for the same item processed from apples of the 1943 crop, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

(Insert date)

#### NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, grade, style of pack, and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422, or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your

<sup>8</sup> 8 F.R. 1135, 2998, 4628, 4632, 11739.

<sup>9</sup> 8 F.R. 2346, 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.



<sup>17</sup> F.R. 5715, 8948, 9953; 8 F.R. 14009.



## PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 396,<sup>1</sup> Amdt. 2]

## SALES BY CANNERS OF ATLANTIC SEA HERRING AND ALEWIVES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 396 is amended in the following respects:

1. In the table of prices in section 1 (a) the column heading "Sales to others" is revoked.

2. Section 1 (c) is amended by deleting the words "when payment is made within 10 days of delivery" and inserting in their place the words "if payment is made within 10 days from date of receipt by the designated office of the government procurement agency of a properly authenticated claim".

This amendment shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18481; Filed, November 16, 1943;  
4:17 p. m.]

## PART 1404—RATIONING OF FOOTWEAR

[RO 6A,<sup>2</sup> Amdt. 4]

## MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order 6A is amended in the following respects:

1. Section 1.1 is amended by deleting from the first sentence the following: "after endorsing his name and address on the back,".

2. Section 2.3 (a) is amended to read as follows:

(a) No person shall transfer rubber footwear to any consumer for a certificate received from him more than 30 days after its issuance date, or to any establishment for a certificate received from it more than one year after its issuance date. However, in a mail order the date of the post mark on the wrapper in which the certificate is enclosed may be considered the date of its receipt.

3. Section 2.7 (a) is amended by inserting after the words "his name and address" the following: "the date he received it,".

This amendment shall become effective November 20, 1943.

NOTE: The record-keeping requirements and reporting provisions of this amendment

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 6955, 14010.

<sup>2</sup> 8 F.R. 7384, 9458, 11685.

have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-18483; Filed, November 16, 1943;  
4:15 p. m.]

## PART 1418—TERRITORIES AND POSSESSIONS

[RMPP 183,<sup>1</sup> Amdt. 14]

## PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 20 Table 3 is amended by adding two new brands to the category "Canned pears Bartlett (halves)" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price per can
Canned pears: Bartlett (halves):				
Jesso.....	Case of 24 #2½ cans.	\$6.55	\$7.55	\$0.41
True Mark.....	Case of 24 #2½ cans.	6.55	7.55	.41

2. Section 24 Table 9 is amended by adding a new size to the item "Canned tomato juice Hurff (fancy)" to read as follows:

Items and brand names	Unit	Price to whole-saler	Price at whole-sale	Retail price per container
Canned tomato juice: Hurff (fancy).	Case of 48 5¼ oz. tins.	\$2.70	\$3.10	\$0.08

3. Section 36 Table 23 is amended by changing the unit of Aunt Jemima Pancake Flour from "Case of 24-30 ounce" to "Case of 24-20 ounce" and by adding the category "Nabisco" to read as follows:

Items and brand names	Unit	Price to whole-saler	Price at whole-sale	Retail price
Nabisco:				
Shredded Wheat.....	Case of 36 12 oz.	\$5.15	\$5.75	\$0.20
100% Bran.....	Case of 24 8 oz.	2.30	2.60	.14

<sup>1</sup> 8 F.R. 9532, 10763, 10906, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18485; Filed, November 16, 1943;  
4:18 p. m.]

## PART 1340—FUEL

[RPS 88,<sup>1</sup> Corr. to Amdt. 140]

## PETROLEUM AND PETROLEUM PRODUCTS

The last three prices as stated in § 1340.159 (c) (3) (xxiii) (a) for deliveries by tank wagons are corrected to read as follows:

	Cents per gallon
Tank wagon deliveries to resellers in quantities of 25 gallons or over.....	10.1
Tank wagon deliveries to consumers in quantities of 25 gallons or over.....	10.6
Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons.....	12.3

This correction shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9255, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18476; Filed, November 16, 1943;  
4:13 p. m.]

## PART 1351—FOOD AND FOOD PRODUCTS

[MPR 329,<sup>2</sup> Amdt. 15]

## PURCHASES OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 329 is amended in the following respects:

1. Section 1351.402 (a) (1) is amended to read as follows:

(1) Maximum prices for purchases of "milk" from producers for resale as fluid milk in the Atlanta regional area; the Arlington-Alexandria marketing area and in the Baltimore-Annapolis, Maryland area; Fairfax County, Virginia, except that part of Fairfax County included in the Arlington-Alexandria, Virginia marketing area; the Montgomery, Maryland area; the Harford, Maryland area; the Norfolk-Portsmouth and Newport News-Williamsburg, Virginia area; and the State of Florida are modified and adjusted in § 1351.415 below. Maximum prices for purchases of "milk" from producers for resale as fluid milk in the

<sup>1</sup> 8 F.R. 3718.

<sup>2</sup> 8 F.R. 2038, 2874, 3252, 3621, 4726, 5933, 5907, 6737, 8063, 9884, 10731, 13721.



"Denver, Colorado area", "Colorado Springs-Manitou, Colorado area", and the "Pueblo, Colorado area", are modified and adjusted in § 1351.416 below.

2. Section 1351.404 (m) is added to read as follows:

(m) "Denver, Colorado area" means all that area lying east of a line drawn north and south through a point five miles east of the most easterly boundary of the municipality of Golden, Colorado, and south of a line drawn east and west through a point one mile north of the most northerly boundary of the platted area known as Westminster, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly barracks or other building located on Buckley Field military reservation, and north of a line drawn east and west through a point one mile south of the most southerly boundary of the municipality of Littleton, Colorado.

3. Section 1351.404 (n) is added to read as follows:

(n) "Colorado Springs-Manitou, Colorado area" means all of the area lying east of a line drawn north and south through a point one mile west of the most westerly boundary of the municipality of Manitou, Colorado, and south of a line drawn east and west through a point four miles north of the most northerly boundary of the municipality of Colorado Springs, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly boundary of the municipality of Fountain, Colorado, and north of a line drawn east and west through a point one mile south of the most southerly boundary of Fountain, Colorado.

4. Section 1351.404 (o) is added to read as follows:

(o) "Pueblo, Colorado area" means all that area lying east of a line drawn north and south through a point three miles west of the most westerly boundary of the municipality of Pueblo, Colorado, and south of a line drawn east and west through a point three miles north of the most northerly boundary of the municipality of Pueblo, Colorado, and west of a line drawn north and south through a point three miles east of the most easterly boundary of the municipality of Pueblo, Colorado, and north of a line drawn east and west through a point three miles south of the most southerly boundary of the municipality of Pueblo, Colorado.

5. Section 1351.416 is added to read as follows:

§ 1351.416 *Adjusted maximum prices for purchases of "milk" from producers in certain areas in the State of Colorado.*  
(a) The maximum prices which a purchaser may pay a producer for "milk" purchased for resale as fluid milk in the "Denver, Colorado area", "Colorado Springs-Manitou, Colorado area" and the "Pueblo, Colorado area" shall be 90 cents per pound butterfat content, for "milk" delivered f. o. b. purchaser's plant in the area.

This amendment shall become effective November 16, 1943.

No. 229—4

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

Approved: November 15, 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-18479; Filed, November 16, 1943;  
4:13 p. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 19, 1 Amdt. 6]

##### ANTHRACITE COAL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Ration Order 19 is amended in the following respect:

The effective date provision is amended to read as follows:

This order shall become effective 12:01 a. m. September 1, 1943, and shall remain in effect until 12:01 a. m. November 18, 1943, subject to section 5.1 of General Ration Order 8,<sup>2</sup> except section 3 (d), which shall remain in effect until further order of the Office of Price Administration.

This amendment shall become effective November 18, 1943.

(Pub. Law 671, 67th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; War Production Board Directive No. 1, 7 F.R. 562, Supp. Dir. No. 1-W, 8 F.R. 11900; E.O. 9125, 7 F.R. 2719)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18482; Filed, November 16, 1943;  
4:15 p. m.]

#### PART 1411—COMPENSATORY ADJUSTMENT

[Rev. Comp. Adj. Reg. 1, Amdt. 1<sup>1</sup>]

##### WARTIME INCREASES IN THE COST OF TRANSPORTING COAL

Revised Compensatory Adjustment Regulation No. 1 is amended in the following respects.

Section 1411.1 (a) is amended by adding a further proviso thereto as follows:

*Provided further:* That, a person who during the year 1941 normally received bituminous coal transshipped via Hampton Roads to an unloading port other than on the Atlantic coast line north of and including New York Harbor and is otherwise eligible to apply for compensatory adjustment under § 1411.1 (a) may file an application for compensatory adjustment where (1) increased costs of transportation of bituminous coal are such that the applicant is subjected to a substantial hardship and (2) that an

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 12097, 13024, 13175, 14126.

<sup>2</sup> 8 F.R. 3783, 5677, 9626.

<sup>3</sup> 7 F.R. 3749, 3900, 6035, 6149, 7744.

increase in the maximum price of applicant would result in an increase in the cost of living.

This amendment shall become effective as of November 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18484; Filed, November 16, 1943;  
4:15 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[SR 14A<sup>1</sup> to GMPR, Amdt. 7]

##### MILK AND MILK PRODUCTS IN DENVER, COLO., AREA

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Supplementary Regulation No. 14A to the General Maximum Price Regulation is amended in the following respects:

1. Section 1499.73a (a) (1) (ix) is redesignated as § 1499.73a (a) (1) (x).
2. A new § 1499.73a (a) (1) (ix) is added to read as follows:

(ix) *Maximum prices for "approved fluid milk" sold and delivered in the "Denver regional area"—(a) Colorado.* This subdivision (a) establishes maximum prices for specified types of wholesale and retail sales of "approved fluid milk", sold and delivered in glass or paper containers of 1 gallon or less in the "Denver, Colorado area". The maximum prices for retail sales of "approved fluid milk" in container sizes of less than 1 quart are applicable only in those areas or places having a population of less than 5,000 persons where sales at retail in such container sizes permitted by Food Distribution Order No. 11 as amended,<sup>2</sup> issued by the Food Distribution Administration.

Specific exemption is made of retail sales of "approved fluid milk" by a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house or any other eating or drinking establishment, such sales remaining in all respects subject to the provisions of Second Revised Restaurant Maximum Price Regulation 7-1, as amended.<sup>3</sup>

This subdivision (a) establishes maximum prices for "approved fluid milk only". It is not applicable to skim milk, buttermilk, chocolate milk or other flavored milks, special and premium milks, maximum prices for which are determined under the General Maximum Price Regulation or any supplementary or adjustment order of the Office of Price Administration issued with respect to such milks for the "Denver, Colorado area".

The maximum prices established by this subdivision (a) supersede the maximum prices as determined under § 1499.2, general provisions of the General Maxi-

<sup>1</sup> 8 F.R. 9885, 10514, 12793, 13060, 13724.

<sup>2</sup> 8 F.R. 1090, 4751, 5698, 9102.

<sup>3</sup> 8 F.R. 11948.



imum Price Regulation, or under any supplementary or adjustment order issued by the Office of Price Administration.

(1) *Maximum prices.* (i) The prices set forth below are the maximum prices for "approved fluid milk" sold, and delivered at retail out-of-store and to-the-home and at wholesale in the designated sizes of glass or paper containers in the "Denver, Colorado, area".

DENVER, COLORADO AREA

Size of glass or paper container	Wholesale	Retail out-of-store	Retail to-the-home
	Cents	Cents	Cents
Gallon	41	46	50
One-half gallon	21	24	26
Quart	10½	12½	13½
Pint	6½	8	8
One-half pint	3½	5	5

(ii) *Other retail sales.* The maximum prices for sales to the Army and Navy and other retail sales of "approved fluid milk", except retail sales out-of-store and to-the-home, and retail sales by a restaurant, hotel, bar, cafe, club, delicatessen, soda fountain, boarding house or any other eating or drinking establishment, shall be the wholesale prices listed above, subject to any applicable discounts or allowances.

(iii) *Calculations.* On sales of one unit wherein the price specified contains a fraction of a cent, the seller may adjust the price upward to the full cent if the fraction is ½¢ or more, and shall decrease the price to the lowest even cent if the fraction is less than ½¢. On sales of more than one unit, where the unit price is expressed in a fraction of a cent, the exact price established herein shall be multiplied by the number of units. If the computation results in a fraction of cent, the total shall be adjusted up or down to the nearest full cent, and, in such adjustment, a half-cent may be adjusted upward to the nearest full cent. Deliveries "to-the-home" shall be considered multiple unit sales unless separate collections are made for single units delivered.

(2) *Definitions.* For purposes of this subdivision (a):

(i) "Denver, Colorado area" means all that area lying east of a line drawn north and south through a point five miles east of the most easterly boundary of the municipality of Golden, Colorado, and south of a line drawn east and west through a point one mile north of the most northerly boundary of the platted area known as Westminster, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly barracks or other building located on Buckley Field military reservation, and north of a line drawn east and west through a point one mile south of the most southerly boundary of the municipality of Littleton, Colorado.

(ii) "Approved fluid milk" means fluid cows' milk, raw or pasteurized, at least satisfying the minimum butterfat content, sanitary and health requirements for fluid milk sold for human consumption in the particular area wherein it is delivered, including standards set by purchasing officers for sales to the Army and Navy. It shall not include skim milk, buttermilk, chocolate milk, or other

flavored milks, special milks and premium milks.

(b) *Definitions.* For purposes of this subdivision (ix):

(1) "Denver regional area" means all that territory lying within the geographical boundaries of the State of Colorado, Idaho, Montana, New Mexico, Utah and Wyoming.

This amendment shall become effective November 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18486; Filed, November 16, 1943; 4:13 p. m.]

PART 1340—FUEL

[MPR 112, Amdt. 14]

PENNSYLVANIA ANTHRACITE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1340.197a is added to read as follows:

§ 1340.197a *Provision for specific ceiling prices.* In establishing prices for coals by an area ceiling order or where prices have been established by such an order issued under § 1340.260 of Revised Maximum Price Regulation No. 122 the Office of Price Administration or any regional office thereof may also establish maximum area prices for deliveries of anthracite made subject to this regulation from a mine, or preparation plant to consumers in the same area and also for services in connection with the preparation of such coals and their delivery. The prices so established may be the same prices as are provided for similar deliveries made subject to Revised Maximum Price Regulation No. 122 or they may be such as will avoid diversions of supply which would disrupt an orderly pattern of distribution of coals in that area and areas nearby.

This amendment shall become effective November 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18522; Filed, November 17, 1943; 11:50 a. m.]

PART 1340—FUEL

[MPR 121, Amdt. 25]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of considerations involved in the issuance of this amendment, is—

\*Copies may be obtained from the Office of Price Administration.

† 8 F.R. 3367.  
‡ 8 F.R. 440, 1200, 3524, 4510, 5652, 6543, 7198, 8179, 8754, 10338, 11143, 11690.

§ 7 F.R. 3237, 3989, 4485, 5941, 6002, 6385, 8587, 8521, 8557, 8938, 8984, 10529; 8 F.R. 1895, 2756, 4179, 5757, 6261, 6959, 6957.

sued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1340.247b is added to read as follows:

§ 1340.247b *Provision for specific ceiling prices.* In establishing prices for solid fuels by an area ceiling order or where prices have been established by such an order issued under § 1340.260 of Revised Maximum Price Regulation No. 122 the Office of Price Administration or any regional office thereof may also establish maximum area prices for deliveries of miscellaneous solid fuels made subject to this regulation from a mine, adjunct preparation plant, briquette plant, or other producing facility, to consumers in the same area and also for services in connection with the preparation of such solid fuels and their delivery. The prices so established may be the same prices as are provided for similar deliveries made subject to Revised Maximum Price Regulation No. 122 or they may be such as will avoid diversions of supply which would disrupt an orderly pattern of distribution of coals in that area and areas nearby.

This amendment shall become effective November 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18518; Filed, November 17, 1943; 11:49 a. m.]

PART 1367—FERTILIZERS

[2d Rev. MPR 135]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

Revised Maximum Price Regulation 135 is redesignated Second Revised Maximum Price Regulation 135 and is revised and amended to read as follows:

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales to consumers of mixed fertilizer, superphosphate and potash which differ from and supersede such maximum prices established under Revised Maximum Price Regulation No. 135, as amended.<sup>1</sup>

The maximum prices established herein are not below the average prices of mixed fertilizer, superphosphate and potash sold to consumers during the year 1941. They do however meet the minimum required by law being above their average prices on September 15, 1942 only to the extent of intervening unabsorbable increases in costs of production and distribution. The Price Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry affected by this regulation.

<sup>1</sup> 8 F.R. 3621, 8540, 10572, 11481.



Such specifications and standards as are used in this regulation were, prior to such use, in general use in the fertilizer industry and have previously been promulgated and their use lawfully required by another Government agency.

A statement of the considerations involved in the issuance of this Second Revised Maximum Price Regulation No. 135 has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

§ 1367.31 *Maximum prices of mixed fertilizer, superphosphate and potash when sold to consumers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and Executive Order No. 9328, Second Revised Maximum Price Regulation No. 135, Mixed Fertilizer, Superphosphate and Potash, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1367.31 Second Revised Maximum Price Regulation No. 135, issued under 56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

#### SECOND REVISED MAXIMUM PRICE REGULATION 135—MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

##### ARTICLE I—PROHIBITION AND SCOPE OF REGULATION

###### Sec.

1. Prohibition against selling mixed fertilizer, superphosphate and potash to consumers at prices above the maximum.
2. Sales at less than maximum prices permitted.
3. Scope of this regulation and its relation to other regulations.

##### ARTICLE II—MAXIMUM PRICES

4. Maximum prices of mixed fertilizer, superphosphate and potash when sold to consumers.
5. Prohibited practices.
6. Records and reports.
7. Enforcement.
8. Petitions for amendment.
9. Adjustable pricing.
10. Definitions.
11. Optional effective date of this regulation.

##### ARTICLE III—MAXIMUM PRICE SCHEDULES

Schedule A—Maine (Aroostook County and the sections of Penobscot and Washington Counties lying north and west of Millinocket and Danforth).

Schedule B—Maine (except the part in Schedule A), Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island.

Schedule C—New York and New Jersey.

Schedule D—Pennsylvania.

Schedule E—Delaware, Maryland and the District of Columbia.

Schedule F—West Virginia (counties north of and including Mason, Jackson, Roane, Clay, Webster, Randolph, Pendleton, and the part of Nicholas County served by the Baltimore and Ohio Railroad).

Schedule G—West Virginia (Counties of Jefferson, Berkeley and the part of Nicholas County served by the Chesapeake and Ohio Railroad, also counties south of and including Pocahontas, Greenbrier, Kanawha, Putnam, Cabell), Virginia, North Carolina, South Carolina and Georgia.

Schedule H—Florida (east of the Apalachicola River).

Schedule I—Alabama and Florida (west of the Apalachicola River).

Schedule J—Mississippi and Louisiana (east of the Mississippi River).

Schedule K—Louisiana (west of the Mississippi River), Arkansas, Texas, New Mexico and Oklahoma (except counties of Cimarron, Texas, Beaver, Harper, Wood, Alfalfa, Grant, Kay, Osage, Washington, Nowata, Craig, Ottawa, and Delaware. Prices for these counties are in Schedule N with Kansas).

Schedule L—Tennessee.

Schedule M—Kentucky.

Schedule N—Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, and Oklahoma (counties excepted in Schedule K).

Schedule O—Wyoming, Colorado, Utah, Idaho, Montana, Nevada.

Schedule P—Oregon and Washington.

Schedule Q—California and Arizona.

Schedule R—Puerto Rico.

Schedule S—Victory Garden and Specialty Fertilizers.

##### ARTICLE I—PROHIBITION AND SCOPE OF REGULATION

SECTION 1. *Prohibition against selling mixed fertilizer, superphosphate and potash to consumers at prices above the maximum.* On and after November 23, 1943, but not later than January 1, 1944, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver to a consumer, and no person in the course of trade or business shall buy or receive mixed fertilizer, superphosphate or potash at prices higher than the maximum prices established herein, and no person shall agree, offer, solicit or attempt to make such a sale, purchase or delivery.

SEC. 2. *Sales at less than maximum prices permitted.* Prices lower than the maximum prices established herein may be charged and paid.

SEC. 3. *Scope of this regulation and its relation to other regulations—(a) Transactions and materials.* This regulation applies only to sales to consumers of mixed fertilizer, superphosphate and potash.

(b) *Persons affected.* This regulation covers all sales by manufacturers and dealers to consumers.

(c) *Geographical applicability.* This regulation applies to sales and deliveries in the 48 states of the United States and the District of Columbia, and in the territory of Puerto Rico.

(d) *Relation to Revised Maximum Price Regulation 135, as amended.* This regulation supersedes Revised Maximum Price Regulation 135, as amended, on the effective date or dates with respect to each seller of mixed fertilizer, superphosphate or potash on or after November 23, 1943, as hereinafter provided but not later than January 1, 1944.

(e) *Relation to Hawaiian General Maximum Price Regulation.* This regulation does not supersede the Hawaiian General Maximum Price Regulation which shall continue to apply to sales and deliveries in the territory of Hawaii.

(f) *Relation to General Maximum Price Regulation.* This regulation supersedes the General Maximum Price Regulation except insofar as the provisions of the General Maximum Price Regulation apply to sales and deliveries in territories and possessions of the United States; and further except that the following sections of the General Maximum Price Regulation and amendments thereto shall apply:

- (1) Transfers of business or stock in trade (§ 1499.5)
- (2) Federal and state taxes (§ 1499.7)
- (3) Registration (§ 1499.15)
- (4) Licensing (§ 1499.16)
- (5) Penalties (§ 1499.17)

(g) *Relation to the Second Revised Maximum Export Price Regulation.* The maximum prices for export sales of mixed fertilizer, superphosphate and potash are governed by the Second Revised Maximum Export Price Regulation.

(h) *Imports.* The provisions of this regulation apply to the purchases, sales and deliveries of mixed fertilizer, superphosphate and potash originating outside of and imported into continental United States.

##### ARTICLE II—MAXIMUM PRICES

SEC. 4. *Maximum prices of mixed fertilizer, superphosphate and potash when sold to consumers.* The maximum prices at which sales and deliveries of mixed fertilizer, superphosphate and potash may be made to consumers shall be no greater than as set forth in the schedules hereinafter attached and made a part hereof.

SEC. 5. *Prohibited practices; general.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this Second Revised Maximum Price Regulation No. 135 as an outright overceiling price. This applies to changes in credit practices and cash discounts, and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

SEC. 6. *Records and reports.* (a) Every person (including a dealer, agent or other person) making a sale of mixed fertilizer, superphosphate, or potash, in quantities of 250 pounds or more, to a consumer, after November 22, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, complete and accurate records of each sale, showing the date thereof; and name and address of the buyer, of the person (including an agent) making the sale, and of the manufacturer of the mixed fertilizer, superphosphate or potash; the quantity, grade and kind of the mixed fertilizer, superphosphate or potash sold; the bags or containers in which delivered; the price

\*Copies may be obtained from the Office of Price Administration. Statements of considerations are also issued simultaneously with issuance of amendments.

\*8 F.R. 6362.

\*8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

\*8 F.R. 4132, 5987, 7662, 9998.



charged or received therefor; the terms of payment (time, cash, discounts, etc.); and the method and conditions of delivery.

(b) (1) Not later than January 1, 1944, every manufacturer of mixed fertilizer, superphosphate or potash, who is engaged in the business of selling the same to consumers and dealers, whether by or through any agent or other person, shall file with the Office of Price Administration in Washington, D. C., one copy of each and every written or printed price schedule, whether temporary or permanent, issued by him in connection with the sale thereof to consumers and dealers from and after the effective date of this regulation for the seller and area affected as hereinafter provided together with all written or printed amendments and supplements to any such schedules.

(2) Upon request addressed to the Office of Price Administration, Washington, D. C., copies of this Second Revised Maximum Price Regulation No. 135 will be furnished each manufacturer for distribution to his agents and dealers.

(3) Each dealer or agent shall post at his place of business a list of his consumer's maximum prices.

(4) Each manufacturer selling direct to consumers shall post at his office, plant and warehouse his consumers' price list in effect for the area served by each such office, plant, or warehouse.

(c) Persons affected by this Second Revised Maximum Price Regulation No. 135, shall submit such other information to the Office of Price Administration as it may, from time to time, require, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

**SEC. 7. Enforcement.** (a) Persons violating any provision of this Second Revised Maximum Price Regulation No. 135 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this Regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

**SEC. 8. Petitions for amendment and application for adjustment—(a) Amendments.** Persons seeking any modification of this Second Revised Maximum Price Regulation No. 135 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>8</sup> issued by the Office of Price Administration.

(b) **Government contracts.** (1) The term "government contracts" is here used to include any contract with the

United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this Second Revised Maximum Price Regulation No. 135 is impeding or threatens to impede production of mixed fertilizer, superphosphate, or potash which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6.<sup>7</sup> A copy can be had at any office of the Office of Price Administration.

(3) As soon as the application is filed, deliveries may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(4) Any manufacturer who is requested by a governmental agency, or a contractor on a governmental project, to submit a bid on, and offer to supply, a grade and kind of mixed fertilizer, superphosphate or potash on which the manufacturer had not established a maximum price, may quote a price, offer for sale, sell and deliver, such commodity to the governmental agency or contractor on a governmental project upon the condition that if the price is later disapproved by the Office of Price Administration, the manufacturer shall forthwith make the appropriate refund to the governmental agency, or its fiscal or disbursing office, or to the contractor on the governmental project, from whom he received payment for the commodity.

**SEC. 9. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

**SEC. 10. Definitions.** (a) When used in this Second Revised Maximum Price Regulation No. 135, the term:

(1) "Person" includes an individual, corporation, partnership, association, farmers' or consumers' cooperative or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person who produces, mixes or processes, or who markets for his own account and under his own brand or trade name, mixed fertilizer, superphosphate, potash or nitrogenous material for use as an aid to the growth of crops or plants.

(3) "Dealer" means a person who purchases mixed fertilizer, superphosphate or potash and resells it to a consumer.

(4) "Consumer" means a person purchasing mixed fertilizer, superphosphate, or potash for use in aiding the growth of crops or plants (and not for resale) including the Agricultural Adjustment Agency.

(5) "Mixed fertilizer" means any substance containing any two or more, of potash, superphosphate, and nitrogenous material, when marketed or sold as an aid to the growth of crops or plants.

(6) "Superphosphate" means any product which is obtained by mixing rock phosphate with either sulphuric acid or phosphoric acid or with both acids, when marketed or sold as an aid to the growth of crops or plants.

(7) "Potash" means muriate, chloride or sulphate of potash, manure salts and any other substance containing potassium oxide (K<sub>2</sub>O), when marketed or sold as an aid to the growth of crops or plants.

(8) "Nitrogenous material" means any organic or inorganic substance containing nitrogen, when marketed or sold as an aid to the growth of crops or plants; except when so marketed or sold without the admixture of any potash or superphosphate.

(9) "Chemical nitrogen" means any nitrogen, other than natural organic nitrogen, including, but not limited to, ammonium sulphate, ammonium nitrate, sodium nitrate, calcium cyanamid, urea and nitrogen-bearing solutions.

(10) "Natural organic nitrogen material" means a fertilizer material of vegetable or animal origin containing nitrogen, including, but not limited to, animal, fish and other tankages, castor pomace, tobacco stems, cotton seed meal, peanut meal, soybean meal, sewage sludge and cocoa shell meal.

(11) "Grade" means the minimum guarantee of the plant food content of mixed fertilizer, superphosphate, or potash, expressed in terms of nitrogen, available phosphoric acid, and water-soluble potash, e. g. 4-12-4, 0-14-7, 0-20-0, 0-0-50.

(12) "Kind" as distinguished from the term "grade" refers only to mixed fertilizer and means the substances, and the

<sup>8</sup> 8 F.R. 3313, 3533, 6173, 11806.

<sup>7</sup> 7 F.R. 5067, 5664; 8 F.R. 6173, 6174, 12024



proportions thereof, containing the guaranteed plant food content of mixed fertilizer—as, for example, in the case of nitrogenous material, 80% water-soluble and 20% water-insoluble nitrogen; or in the case of potash, 75% sulphate of potash and 25% muriate of potash.

(13) "Price schedule" means any price list or statement, irrespective of form, issued or used by the seller, setting forth the prices, grades, kinds, terms of payment, types of containers or bags, method and conditions of delivery and any other provisions relating to sales of the commodities being priced.

(14) "Place of delivery" means rail or truck destination for goods sold under a price schedule quoting delivered prices, or f. o. b. plant for goods sold under a price schedule quoting f. o. b. plant prices.

(15) "Net to manufacturer" means the amount received by a manufacturer for a sale after deducting discounts and agent's compensation, if any, from his sales price.

(16) "Margin" means the amount of markup which may be added to the dealer's net delivered cost.

(17) "Spring season" means the fertilizer selling season from December 1 of any calendar year to and including June 30 of the next succeeding calendar year.

(18) "Fall season" means the fertilizer selling season from July 1 to November 30, inclusive, of any calendar year.

(19) "Victory garden fertilizer" means any grade of fertilizer authorized by the War Food Administration for use on victory gardens.

(20) "Specialty fertilizer" means a grade and kind of mixed fertilizer (but not Victory garden fertilizer) permitted by the War Food Administration to be manufactured, packaged, and sold for unrestricted use and which is generally marketed through retail outlets other than those selling fertilizer for commercial agricultural use.

(21) "Special ingredients" means elemental sulphur, or chemical compounds of aluminum, boron, copper, iron, manganese, zinc or magnesium, except magnesium in the dolomitic form, when added separately by the fertilizer manufacturer to a mixed fertilizer, superphosphate or potash.

(22) "Premium brand" means a kind and grade of mixed fertilizer, superphosphate or potash which during the period February 16-20, 1942, was listed by the manufacturer of the premium brand at an additional price above the price of a similar regular grade of mixed fertilizer, superphosphate or potash manufactured and listed by him.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SEC. 11. *Optional effective date of this regulation.* This Second Revised Maximum Price Regulation No. 135 shall, at the option of each fertilizer manufacturer, become effective on or after

November 23, 1943, but not later than January 1, 1944, and until such effective date for each fertilizer manufacturer Revised Maximum Price Regulation 135, as amended, shall remain in full force and effect.

#### ARTICLE III—MAXIMUM PRICE SCHEDULES

##### SCHEDULE A—MAINE

(Aroostook County and the sections of Penobscot and Washington Counties lying north and west of Millinocket and Danforth.)

(a) Maximum delivered to the farm time prices, full carload or full truckload basis, for goods in 100-pound paper bags.

Grades:	Price per ton
7-7-7	\$46.70
6-9-15	52.00
5-10-10	47.25
5-10-5	43.75
5-8-7	43.25
5-7-10	44.40
4-16-0	43.75
3-12-6	41.95
0-14-14	42.85
0-20-0	35.00
0-19-0	34.00
0-18-0	33.00
0-0-60 Muriate of potash	50.60
0-0-50 Muriate of potash	45.20
0-0-21.5 Sulphate potash-magnesia	45.20

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate	\$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	\$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

\$1.25 per ton for 167 or 200-pound textile bags;  
\$1.50 per ton for 125-pound textile bags;  
\$1.75 per ton for 100-pound textile bags;  
\$5.00 per ton for barrels.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1. For goods shipped sight draft, cash in advance, cash upon delivery or cash within 10 days from date of shipment, a discount of 5% is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):

(1) On rail shipments, when delivery is taken at car door, deduct 75¢ per ton.

(2) When delivery is taken at a warehouse located in the area, deduct 75¢ per ton.

(3) When delivery is taken at factories, deduct the carload rate of freight from the factory to consumer's nearest railroad station plus 75¢ per ton.

(4) For 1 c. l. or less truckloads, an additional charge may be made equal to the additional cost of transportation.

##### SCHEDULE B—NEW ENGLAND

(Except the part of Maine in Schedule A)

Column I—Maine (except Aroostook County and the sections of Penobscot and

Washington Counties lying north and west of Millinocket and Danforth.) Vermont (except Bennington and Windham Counties.) New Hampshire (except Cheshire, Hillsboro, Rockingham, Sullivan, Merrimack, Strafford and Belknap Counties.)

Column II—Vermont (Bennington and Windham Counties.) New Hampshire (counties excepted above.) Massachusetts, Connecticut, Rhode Island.

(a) Maximum delivered to the farm time prices, full carload or full truckload basis, for goods in 100-pound paper bags.

Grade	Price per ton	
	I	II
7-7-7	\$51.20	\$48.70
6-9-15	57.50	
5-10-10	50.95	48.45
5-10-5	47.70	45.20
5-8-7	47.40	44.90
5-7-10	48.55	
4-16-0	46.95	44.45
3-12-6	45.35	42.85
0-14-14	48.05	45.55
0-20-0	33.05	30.55
0-19-0	31.75	29.25
0-18-0	30.45	27.95
0-0-60 Muriate of potash	56.20	53.70
0-0-50 Muriate of potash	50.80	48.30
0-0-48 Sulphate of potash	60.25	57.75
0-0-21.5 Sulphate potash-magnesia	50.80	48.30

##### TOBACCO GRADES ONLY

6-3-6	\$70.00
5-3-5	63.40
4-10-0	59.90

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate (except tobacco grades)	\$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	\$0.10
Manganese sulphate, 65%	.05
Borax	.05

Tobacco goods only. Add for potash from cotton hull or boll ashes, 25¢ per unit.

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

\$1.35 per ton for 167 or 200-pound textile bags;

\$1.70 per ton for 125-pound textile bags;  
\$2.00 per ton for 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1. For goods shipped sight draft, cash in advance, cash upon delivery, or cash within seven days of date of shipment, a discount of ten per cent is to be allowed.

*Quantity discounts.* Except on tobacco goods, the prices in (a) are subject to the following discounts:

5% but not over \$2.25 per ton for 10 to 49 tons.

7% but not over \$3.15 per ton for 50 to 99 tons.

10% but not over \$4.50 per ton for 100 tons or over.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):



(1) On rail shipments, when delivery is taken at car door, deduct \$1.00 per ton, except on tobacco goods.

(2) When delivery is taken at a factory or producer-controlled warehouse, deduct (for the shortest highway mileage to consumer's nearest railway station) not less than the following rates:

50¢ per ton for distance up to five miles.  
2½¢ per ton per mile additional for the next 175 miles.

(3) For 1 c. l. or less truckloads, an additional charge may be made equal to the additional cost of transportation.

#### SCHEDULE C—NEW JERSEY AND NEW YORK

*Column I—New Jersey, New York:* Long Island, Richmond, New York and Rockland Counties.

*Column II—New York:* Orange and Ulster Counties.

*Column III—New York:* All remaining counties except St. Lawrence, Franklin, Clinton, and Essex.

*Column IV—New York:* St. Lawrence, Franklin, Clinton, and Essex Counties.

(a) Maximum delivered to the farm time prices, full carload, 20-ton boatload or full truckload basis, for goods in 100-pound paper bags.

Grade	Price per ton			
	I	II	III	IV
10-6-41	\$44.40			
7-7-7	42.35	\$43.45	\$44.95	\$45.95
5-10-10	42.20	43.30	44.80	45.80
5-10-5	38.45	39.55	41.05	42.05
5-8-7	38.35			
4-16-0	37.10	38.20	39.70	40.70
4-12-8	39.90	41.00	42.50	43.50
4-12-4	36.90	38.00	39.50	40.50
4-8-12	39.70	40.80	42.30	43.30
3-12-6	36.00	37.10	38.60	39.60
3-9-15	40.35	41.45	42.95	43.95
3-9-12	38.10	39.20	40.70	41.70
2-12-6	33.60	34.70	36.20	37.20
0-14-7	31.15	32.25	33.75	34.75
0-12-12	33.30	34.40	35.90	36.90
0-10-20	37.70	38.80	40.30	41.30
0-20-0	26.50	27.60	29.10	30.10
0-19-0	25.25	26.35	27.85	28.85
0-18-0	24.00	25.10	26.60	27.60
0-0-60 Muriate of potash	52.70	53.80	55.30	56.30
0-0-50 Muriate of potash	47.10	48.20	49.70	50.70
0-0-48 Sulphate of potash	57.10	58.20	59.70	60.70
0-0-21.5 Sulphate of potash-magnesia	47.10	48.20	49.70	50.70

<sup>1</sup> New Jersey only.

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands).

	Per unit.
Potash from sulphate	\$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar sources	1.00
	Per pound.
Copper sulphate	\$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

\$1.35 per ton for goods in 167 or 200-pound textile bags;

\$1.70 per ton for goods in 125-pound textile bags;

\$2.00 per ton for goods in 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1st on Spring shipments or December 1st on Fall shipments. For goods shipped sight draft, cash in advance, cash upon delivery or cash within seven days of date of shipment, a discount of ten per cent is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail, boat or truck, subject to the following differentials from prices in (a):

(1) On rail or boat shipments, an allowance of 75¢ per ton shall be made for delivery from railroad station or boat landing to consumer premises for New Jersey, Long Island and Richmond, New York and Rockland Counties, N. Y.; \$1.00 per ton for all other counties in New York State.

(2) On goods trucked from factory or producer-controlled distributing warehouse, trucking shall be allowed for shortest highway mileage to consumer's nearest railway station at not less than:

(i) New Jersey; Richmond, New York, and Rockland counties, N. Y.:

75¢ per ton for a distance up to 5 miles, 2½¢ per ton per mile for additional mileage but not to exceed \$3.50 per ton total, including ferry tolls.

(ii) Long Island:

75¢ per ton for a distance up to 5 miles, 3¢ per ton for a distance beyond 5 miles up to but not exceeding carload rate of freight.

(iii) Remainder of New York State:

\$1.00 per ton for a distance up to 5 miles, 2½¢ per ton for a distance beyond 5 miles up to but not exceeding carload rate of freight.

(3) For 1 c. l., less than 20-ton boatload or less than full truckload, an additional charge may be made equal to the additional cost of transportation.

#### SCHEDULE D—PENNSYLVANIA

*Column I.* Carbon, Cumberland, Dauphin, Fulton, Franklin, Monroe, Schuylkill, and all counties east and south thereof.

*Column II.* Bedford, Blair, Cambria, Center, Clinton, Columbia, Huntingdon, Juniata, Luzerne, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Somerset and Union counties.

*Column III.* Tioga, Bradford, Susquehanna, Sullivan, Wyoming, Wayne, Pike and Lackawanna counties.

*Column IV.* Potter, Cameron, Clearfield, Indiana, Westmoreland, Fayette and all counties west thereof.

(a) Maximum delivered to the farm time prices, full carload or full truckload basis, for goods in 100-pound paper bags.

Grade	Price per ton			
	I	II	III	IV
10-6-4	\$44.85	\$46.15	\$46.60	\$47.20
7-7-7	42.80	44.10	44.55	45.15
5-10-10	42.65	43.95	44.40	45.00
5-10-5	38.90	40.20	40.65	41.25
4-16-0	37.55	38.85	39.30	39.90
4-12-8	40.35	41.65	42.10	42.70
4-12-4	37.35	38.65	39.10	39.70
4-8-12	40.15	41.45	41.90	42.50
3-12-6	36.45	37.75	38.20	38.80
3-9-12	38.65	39.95	40.40	41.00
2-12-6	34.05	35.35	35.80	36.40
0-14-7	31.60	32.90	33.35	33.95
0-12-12	33.75	35.05	35.50	36.10
0-20-0	26.65	27.95	28.40	29.00
0-19-0	25.50	26.80	27.25	27.85
0-18-0	24.35	25.65	26.10	26.70
0-0-60 Muriate of potash	53.05	54.35	54.80	55.40
0-0-50 Muriate of potash	47.65	48.95	49.40	50.00
0-0-48 Sulphate of potash	57.65	58.95	59.40	60.00
0-0-21.5 Sulphate of potash-magnesia	47.65	48.95	49.40	50.00

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Nitrogen, tobacco grades only	\$0.30
Potash from sulphate	.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar sources	1.00
	Per pound
Copper sulphate	.10
Manganese sulphate, 65%	.05
Borax	.05

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

\$1.35 per ton for 167 or 200-pound textile bags.

\$1.70 per ton for 125-pound textile bags.

\$2.00 per ton for 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1st on Spring shipments or December 1st on Fall shipments. For goods shipped sight draft, cash in advance, cash upon delivery or cash within seven days of date of shipment, a discount of ten per cent is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail, boat, or truck, subject to the following differentials from prices in (a):

(1) On rail or boat shipments an allowance of 75¢ per ton shall be made for delivery from railroad station or boat landing to consumer's premises in all counties except those listed below; deduct \$1.00 per ton in Erie, Crawford, Warren, McKean, Potter, Tioga, Bradford, Susquehanna, Sullivan, Wyoming, Wayne, Pike and Lackawanna counties.

(2) On goods trucked from factory or producer-controlled distributing warehouse, trucking shall be allowed for shortest highway mileage to consumer's nearest railway station at not less than:

(i) Columns I, II, and IV.

\$0.75 per ton for distances up to five miles,

\$0.02½¢ per ton per mile additional for the next 100 miles,

\$0.01 per ton per mile for next 175 miles.

(ii) Column III.

\$1.00 per ton for distances up to 5 miles,

\$0.02½¢ per ton for next 100 miles but total trucking allowance is not to exceed carload freight rate.

(3) For less car rail shipments, less truckload or less than 20 tons by boat, an additional charge may be made equal to the additional cost of transportation.

#### SCHEDULE E—DELAWARE, MARYLAND, DISTRICT OF COLUMBIA

*Column I—Delaware, Maryland* (counties of Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester).

*Column II—District of Columbia, Maryland* (counties of Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys and Washington).

*Column III—Maryland* (counties of Garrett and Allegany).

(a) Maximum delivered to the farm time prices, full carload, full truckload, or 20-ton boatload basis, for goods in 100-pound paper bags.



Grade	Price per ton		
	I	II	III
10-6-4	\$43.20	\$43.60	\$44.90
7-7-7	41.15	41.55	42.85
6-8-6	38.80	39.20	40.50
5-10-10	41.00	41.40	42.70
5-10-5	37.25	37.65	38.95
4-16-0	35.90	36.30	37.60
4-12-8	38.70	39.10	40.40
4-12-4	35.70	36.10	37.40
4-8-12	38.50	38.90	40.20
3-12-6	34.80	35.20	36.50
3-9-12	36.90	37.30	38.60
2-12-12	36.90	37.30	38.60
2-12-6	32.40	32.80	34.10
0-14-7	29.95	30.35	31.65
0-12-12	32.10	32.50	33.80
0-20-0	25.30	25.70	27.00
0-19-0	24.30	24.70	26.00
0-18-0	23.30	23.70	25.00
0-0-60 Muriate of potash	51.10	51.50	52.80
0-0-50 Muriate of potash	45.70	46.10	47.40
0-0-48 Sulphate of potash	55.70	56.10	57.40
0-0-21.5 Sulphate of potash-magnesia	45.70	46.10	47.40

<sup>1</sup> Maryland tobacco only.

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a), as follows: (except premium brands)

	Per unit
Nitrogen, tobacco grades only	\$0.30
Potash from sulphate	.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
Copper sulphate	\$0.10
Manganese sulphate, 65%	.05
Borax	.05

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

\$1.35 per ton for 167 or 200-pound textile bags.

\$1.70 per ton for 125-pound textile bags.

\$2.00 per ton for 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1st on Spring shipments or December 1st on Fall shipments. For goods shipped sight draft, cash in advance, cash upon delivery or cash within seven days of date of shipment, a discount of ten per cent is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail, boat or truck, subject to the following differentials from prices in (a):

(1) On rail or boat shipments, an allowance of 75¢ per ton shall be made for delivery taken at railroad station or boat landing.

(2) On delivery taken at a factory or producer-controlled distributing warehouse, trucking shall be allowed for shortest highway mileage to consumer's nearest railway station at not less than:

(i) Column I:

75¢ per ton for distances up to 5 miles,

2½¢ per ton per mile additional for the next 70 miles.

(ii) Column II:

75¢ per ton for distances up to 5 miles,

2½¢ per ton per mile additional for the next 100 miles.

(iii) Column III:

75¢ per ton for distances up to 5 miles,

2½¢ per ton per mile additional for the next 100 miles,

1¢ per ton per mile additional for next 175 miles.

(3) For less car rail shipments, less truck load or less than 20 tons by boat, an addi-

tional charge may be made equal to the additional cost of transportation.

#### SCHEDULE F—WEST VIRGINIA

(Counties north of and including Mason, Jackson, Roane, Clay, Webster, Randolph, Pendleton and the part of Nicholas county served by the B. & O. Railroad.)

Column I. Morgan, Hampshire, Hardy, Grant and Pendleton counties.

Column II. Mineral, Preston and Tucker counties.

Column III. Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongahela, Pleasants, Randolph, Ritchie, Taylor, Tyler, Upshur, Webster, Wetzel counties and the part of Nicholas county served by the B. & O. Railroad.

Column IV. Hancock, Brooke, Ohio and Marshall counties.

Column V. Calhoun, Jackson, Mason, Roane, Wirt and Wood counties.

(a) Maximum delivered to the farm time prices, full carload or full truckload basis, for goods in 100-pound paper bags.

Grade	Price per ton				
	I	II	III	IV	V
10-6-4	\$43.60	\$44.90	\$46.20	\$46.80	\$47.50
5-10-10	41.40	42.70	44.00	44.60	45.30
5-10-5	37.65	38.95	40.25	40.85	41.55
4-16-0	36.30	37.60	38.90	39.50	40.20
4-12-8	39.10	40.40	41.70	42.30	43.00
4-12-4	36.10	37.40	38.70	39.30	40.00
3-12-6	35.20	36.50	37.80	38.40	39.10
2-12-6	32.80	34.10	35.40	36.00	36.70
0-14-7	30.35	31.65	32.95	33.55	34.25
0-12-12	32.50	33.80	35.10	35.70	36.40
0-20-0	25.70	27.00	28.30	28.90	29.60
0-19-0	24.70	26.00	27.30	27.90	28.60
0-18-0	23.70	25.00	26.30	26.90	27.60
0-0-60 Muriate of potash	51.50	52.80	54.10	54.70	55.40
0-0-50 Muriate of potash	46.10	47.40	48.70	49.30	50.00
0-0-48 Sulphate	56.10	57.40	58.70	59.30	60.00
0-0-21.5 Sulphate of potash-magnesia	46.10	47.40	48.70	49.30	50.00

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Nitrogen, tobacco grades only	\$0.30
Potash from sulphate	.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
Copper sulphate	\$0.10
Manganese sulphate, 65%	.05
Borax	.05

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.* Add to the prices in (a):

\$1.35 per ton for 167 or 200-pound textile bags.

\$1.70 per ton for 125-pound textile bags.

\$2.00 per ton for 100-pound textile bags.

(e) *Terms.* Prices in (a) are consumer's time prices for payment October 1st on Spring shipments or December 1st on Fall shipments. For goods shipped sight draft, cash in advance, cash upon delivery or cash within 7 days of date of shipment, a discount of ten per cent is to be allowed.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):

(1) On rail shipments an allowance of 75¢ per ton shall be made for delivery taken at a railroad station.

(2) On delivery taken at a factory or producer-controlled distributing warehouse, trucking shall be allowed for shortest highway mileage to consumer's nearest railway station at not less than:

75¢ per ton for a distance up to 5 miles,

2½¢ per ton per mile additional for the next 100 miles, except in Morgan county,

1¢ per ton per mile additional for the next 175 miles.

(3) For 1 c. i. or less truck loads, an additional charge may be made equal to the additional cost of transportation.

#### SCHEDULE G—WEST VIRGINIA (EXCEPT COUNTIES IN SCHEDULE F), VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA

Column I—Virginia: (Except Carroll, Floyd, Montgomery, Craig, Allegheny, and counties west thereof). West Virginia: (Jefferson and Berkeley counties).

Column II—Virginia: (counties excepted in Column I.) West Virginia: (Pocahontas, Greenbrier, Nicholas (the part served by C & O Railroad), Clay, Kanawha, Putnam, Cabell and all counties south thereof).

Column III—North Carolina.

Column IV—South Carolina.

Column V—Georgia.

(a) Maximum delivered to the farm cash prices for goods in 100-pound paper bags.

Grade	Price per ton				
	I	II	III	IV	V
10-6-4	\$40.90	\$42.90			
10-0-10			\$40.60	\$40.40	\$40.40
7-7-7	39.30	41.30			
6-8-6	36.90	38.90	36.60	36.40	36.40
6-8-4	35.50	37.50	35.20		35.00
5-10-10	38.70	40.70			
5-10-5	35.20	37.20	34.90	34.70	34.70
5-7-5			32.80		
4-16-0	33.50	35.50	33.20	33.00	33.00
4-12-8	36.30	38.30			
4-12-4	33.50	35.50	33.20	33.00	33.00
4-10-6			33.20	33.00	33.00
4-10-4	32.10	34.10	31.80	31.60	31.60
4-8-8			33.20	33.00	33.00
4-8-6					31.60
3-12-6	32.50	34.50	32.20	32.00	
3-9-12	31.60	33.60			
3-9-9			32.20		
3-9-8			29.90	29.90	
2-12-6	30.10	32.10	29.80	29.60	29.60
2-10-6			28.40		
0-14-10					29.00
0-14-7	27.40	29.40	27.10	26.90	26.90
0-12-12	29.50	31.50	29.20	29.00	
0-10-10			26.40		
0-20-0	23.35	25.35	22.70	22.25	22.25
0-19-0	22.50	24.50	21.85	21.40	21.40
0-18-0	21.60	23.60	21.00	20.60	20.60
0-0-60 Muriate of potash	49.60	51.60	49.60	49.60	49.60
0-0-50 Muriate of potash	44.20	46.20	44.20	44.20	44.20
0-0-25 Manure salts	30.60	32.60	30.60	30.60	30.60
0-0-48 Sulphate of potash	54.20	56.20	54.20	54.20	54.20
0-0-21.5 Sulphate of potash-magnesia	44.20	46.20	44.20	44.20	44.20
Unburned lime, 6% potash	18.50		18.50		
Burned lime, 6% potash	20.50		20.50		
Burned lime, 6% potash, 4% water-soluble magnesium	22.65		22.65		

#### TOBACCO GRADES ONLY

5-5-20			52.00		
4-10-8				39.50	
4-9-3	34.90	36.90	34.60	34.40	34.40
3-9-9			35.80	35.60	35.60
3-9-6	34.10	36.10	33.80	33.60	33.60
3-8-5	32.40	34.40	32.10		
3-12-6			35.90		
3-12-6	33.00	35.00		32.50	
2-10-6			31.30		

<sup>1</sup> Virginia only.

<sup>2</sup> All potash from sulphate.

<sup>3</sup> West Virginia only.

<sup>4</sup> Based on Norfolk, Va., only.



(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands and tobacco grades).

Water-insoluble nitrogen: 15¢ per unit of nitrogen for each 5% above 10% in regular and truck fertilizers:

	Per unit
Potash from sulphate.....	\$0.30
Magnesium oxide from sulphate of potash-magnesium, seawater mag- nesium or similar source.....	1.00
	Per pound
Copper sulphate.....	\$0.10
Manganese sulphate, 65%.....	.05
Borax.....	.05

Tobacco grades only. Add or deduct 15¢ per unit of nitrogen for each 5% water-insoluble nitrogen varying from 25% water-insoluble. Add or deduct 30¢ per unit for each unit of chlorine varying from 2%. Add \$1.00 per cwt. for oilseed meal replacing other water-insoluble nitrogen.

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.* Add \$1.25 per ton for 167 or 200-pound textile bags.

Add \$1.50 per ton for 125-pound textile bags.

Add \$1.80 per ton for 100-pound textile bags.

(e) *Terms.* (1) For shipment and sale in 30-ton carload lots by rail to buyer's railroad station or in 10-ton truck lots to buyer's premises, deduct 2%.

(2) For c. o. d. sales, shipments S. D. B. L., or cash within ten days after delivery, deduct 1%.

(3) Deduction in (1) and (2) to be made after deducting freight differentials in (f) below.

(4) For time prices add 10% flat to the cash prices plus interest at the legal rate from May 1st on spring goods and from December 1st on fall goods.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):

(1) *Freight differentials*—(i) *Except area in Column II.* Where the lowest trucking rate, figured as per [(2) (i) (a) or (b)] below, from the nearest port to buyer's premises is less than \$3.75 per ton, deduct from the price per ton the difference between \$3.75 and the trucking rate so figured.

(ii) *For area in Column II.* Where the lowest published carlot freight rate from Baltimore, Md., or Norfolk, Va., to buyer's nearest rail delivery point in effect at time of shipment is less than \$5.00 per ton, deduct from the price per ton the difference between \$5.00 and the lowest published carload freight rate in effect.

(2) *Trucking allowances*—(i) *Except area in Column II.* (a) If buyer takes delivery by truck from seller's plant except at Baltimore, allow hauling expense on the following basis:

75¢ per ton for distance up to 15 miles,  
\$1.00 per ton for distances between 15 and 25 miles,  
\$1.50 per ton for distances between 25 and 40 miles,  
1¢ per ton per mile for additional mileage.

(b) If buyers in Virginia and Jefferson and Berkeley counties, West Virginia, as covered in Column I, take delivery by truck from seller's plant at Baltimore or distributing warehouses in that area (provided the rates so figured shall in no case exceed the 20-ton rail or boat rate to destination) allow:

75¢ per ton for distances up to 5 miles,  
2½¢ per ton per mile for the next 70 miles,  
1¢ per ton per mile for additional mileage.

(c) If shipment is made in 30-ton carload lots by rail, the difference between the trucking rates above provided and the rail rate (from nearest port to destination) shall be allowed.

(ii) *Area in Column II.* (a) If delivery is made by rail or from agent's warehouse, allow 75¢ per ton to cover hauling expense to farm. Hauling expense in excess of 75¢ per ton is for account of buyer.

(b) If the buyer takes delivery by truck from seller's plant, allow hauling expense to the farm on the following basis:

75¢ per ton for a distance up to 40 miles,  
1¢ per ton per mile for additional mileage.

#### SCHEDULE H—FLORIDA (EAST OF THE APALACHICOLA RIVER)

(a) Consumer's delivered to the farm time prices for goods in 100-pound paper bags.

Grade:	Price per ton
12-0-10.....	\$47.85
8-0-12.....	41.65
8-0-8.....	38.85
6-6-6.....	36.95
6-4-8.....	37.25
5-8-8.....	37.55
5-7-5.....	34.90
5-6-10.....	37.85
5-5-8.....	35.90
4-16-0.....	34.45
4-12-6.....	36.45
4-12-4.....	35.05
4-10-7.....	36.05
4-9-3.....	32.70
4-8-8.....	35.65
4-8-6.....	34.25
4-8-4.....	32.85
4-7-5.....	33.00
4-6-8.....	34.55
4-5-7.....	33.30
4-4-8.....	33.45
3-8-8.....	33.75
3-8-5.....	31.65
3-6-10.....	34.05
3-6-8.....	32.65
2-10-4.....	30.15
2-8-10.....	33.25
2-8-6.....	30.45
0-14-10.....	32.75
0-14-5.....	29.25
0-12-16.....	35.85
0-10-10.....	30.55
0-8-24.....	39.25
0-8-12.....	30.85
0-20-0.....	24.00
0-19-0.....	23.50
0-18-0.....	23.00
0-16-0.....	22.00
0-0-60 Muriate.....	54.40
0-0-50 Muriate.....	49.00
0-0-25 Manure salts.....	35.00
0-0-48 Sulphate.....	59.00
0-0-21.5 Sulphate potash magnesia.....	49.00

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's delivered time prices, as follows:

Nitrate nitrogen.....	\$0.50 per unit.
Total organic nitrogen (excess over one-tenth water-soluble shall be priced as ammoniacal nitrogen).....	\$4.40 per unit.
Potash other than muriate.....	\$0.30 per unit.
Sulphur.....	\$0.55 per unit of S.
Copper sulphate.....	\$5.30 per unit of CuO.
Borax.....	\$2.50 per unit of B2O3.
Zinc sulphate.....	\$3.65 per unit of ZnO.

Iron sulphate..... \$1.30 per unit of Fe2O3.  
Aluminum sulphate. \$4.50 per unit of Al2O3.  
Manganese sulphate. \$3.00 per unit of MnO.  
Magnesium oxide..... \$1.00 per unit of MgO.

(c) *"Premium brand" differentials.* Add to maximum prices in (a) above, differentials not greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.* Add \$1.35 for 200-pound textile bags.

Add \$1.95 for 100-pound textile bags.

(e) *Terms.* (1) For payment in cash 10 days following delivery, deduct from the applicable maximum time price (after quantity discounts have been deducted) 5% of such applicable maximum time price.

(2) *Quantity discounts.* The maximum time price to a buyer who, during the course of an entire year, accepts delivery of and pays for mixed fertilizer and materials containing nitrogen, phosphoric acid or potash in the quantities specified, shall be reduced as follows:

30 tons or more but less than 100 tons—deduct 5 per cent.

100 tons or more but less than 300 tons—deduct 8 per cent.

300 tons or more 10 per cent.

(f) *Delivery*—(1) *Freight discount.* A discount per ton is to be deducted from prices in (a) equal to the difference between \$4.50 per ton and the actual freight paid on the shipment from Jacksonville or Tampa, whichever is lower.

(2) *Farm delivery discount.* When delivery is made at railroad station, boat landing or agent's warehouse, deduct an additional 75 cents per ton.

(3) *Factory discount.* For prices f. o. b. Tampa or Jacksonville factories deduct \$5.25 per ton (\$4.50 freight plus 75¢ farm delivery discount).

(4) *Inland factories.* To the f. o. b. Tampa or Jacksonville price above, add actual freight to inland plant from nearest port to determine f. o. b. price.

#### SCHEDULE I—ALABAMA, FLORIDA (West of the Apalachicola River)

(a) Maximum delivered to the farm cash prices for goods in 100-pound textile bags.

Grade:	Price per ton
6-8-4.....	\$34.50
4-16-0.....	34.00
4-10-6.....	33.10
4-10-4.....	31.70
3-9-9.....	32.10
3-8-5 1.....	28.45
2-10-4 1.....	27.20
0-14-10.....	30.20
0-20-0.....	22.50
0-19-0.....	21.75
0-18-0.....	21.00
0-0-60 Muriate of potash.....	50.40
0-0-50 Muriate of potash.....	45.00
0-0-25 Manure salts.....	31.35
0-0-48 Sulphate of potash.....	55.00
0-0-21.5 Sulphate of potash magnesia.....	45.00
Tobacco grades only:	
3-9-9.....	36.60
3-8-8 1.....	34.75

<sup>1</sup> Florida only.

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer delivered cash prices in (a), as follows: (except premium brands and tobacco grades).

	Per unit
Potash from sulphate.....	\$0.30
Magnesium oxide from sulphate of potash-magnesia, seawater magnesia or like materials.....	1.00



	Per pound
Copper sulphate.....	\$0.10
Manganese sulphate, 65%.....	.05
Borax.....	.05
Sulphur.....	.035

(c) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.*

Deduct \$0.55 per ton for 200-pound textile bags.

Deduct \$1.75 per ton for 100-pound paper bags.

(e) *Terms.* (1) For C. O. D. sales, shipments, S. D. B. L., or cash within 10 days after delivery, deduct 1%.

(2) Time prices are determined by adding 10% flat to the cash prices, plus interest from May 1 to maturity @ 6% per annum.

(f) *Delivery.* At manufacturer's option deliveries may be made by rail or truck subject to the following differentials from prices in (a):

(1) *Rail shipments.* If shipment is made in 30-ton carload lots by rail, allow 75¢ per ton for delivery from railhead to farm.

(2) *Truck deliveries.* Allowances to buyers who take delivery at factories:

75¢ per ton for distances up to 15 miles,  
\$1.00 per ton for distances between 15 and 25 miles,

\$1.50 per ton for distances between 25 and 40 miles,

1¢ per ton per mile for additional mileage.

(3) If rail shipments are made in less than 30-ton carload lots, the difference between the 30-ton rate and the rate applicable to the shipment—not including the 3% tax—may be added to the net delivered price for carload rail shipment.

#### SCHEDULE J—MISSISSIPPI AND LOUISIANA (EAST OF THE MISSISSIPPI RIVER)

(a) Maximum consumer's delivered to railhead or warehouse cash prices.

Grade:	Price per ton
12-8-0 <sup>1</sup> .....	\$44.30
10-0-10 <sup>1</sup> .....	39.70
6-8-4.....	35.10
5-10-5.....	35.20
4-16-0.....	34.90
4-12-6 <sup>1</sup> .....	35.30
4-12-4 <sup>1</sup> .....	33.90
4-8-8.....	32.90
3-12-12 <sup>1</sup> .....	37.00
0-14-7.....	28.50
0-12-12 <sup>1</sup> .....	30.10
0-20-0.....	24.00
0-19-0.....	23.25
0-18-0.....	22.50
0-0-60 Muriate of potash.....	51.80
0-0-50 Muriate.....	46.45
0-0-25 Manure salts.....	32.60
0-0-48 Sulphate of potash.....	56.45
0-0-21.5 Sulphate of potash-magnesia.....	46.45

<sup>1</sup> Louisiana only.

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's delivered cash prices, as follows: (except premium brands).

	Per unit
Potash from sulphate.....	\$0.30
Magnesium oxide from sulphate of potash-magnesia, seawater magnesia or like materials.....	1.00

	Per pound
Copper sulphate.....	\$0.10
Manganese sulphate, 65%.....	.05
Borax.....	.05
Elemental sulphur.....	.035

(c) *Premium brands.* Add to the maximum prices in (a) above, differentials no

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greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.*

Deduct \$0.55 per ton for 200-pound textile bags.

Deduct \$1.75 per ton for 100-pound paper bags.

(e) *Terms.* Time prices: Add 10% to the cash prices, plus interest from May 1st for Spring or December 1st for Fall shipments until paid @ 6% per annum in Mississippi, 8% in Louisiana.

#### SCHEDULE K—LOUISIANA (WEST OF THE MISSISSIPPI RIVER), ARKANSAS, TEXAS, NEW MEXICO, OKLAHOMA

(Except counties of Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Osage, Washington, Nowata, Craig, Ottawa and Delaware. These counties take Kansas prices and terms in schedule N).

(a) Maximum consumer's cash prices f. o. b. railhead or agent's warehouse for goods in 100-pound textile bags.

Column I—Louisiana (West of the Mississippi River).

Column II—Arkansas, Oklahoma (except counties of Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Osage, Washington, Nowata, Craig, Ottawa and Delaware.) Eastern Texas (Except areas in Columns III and IV.)

Column III—Texas, Rio Grande Valley and Winter Garden Area: Counties south of and including Maverick, Kavalala, Frio, Atascosa, Live Oak and San Patricio.

Column IV—New Mexico, Western Texas, counties west of and including Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Greene, Schleicher, Sutton, Edwards and Kinney.

Grade	Price per ton			
	I	II	III	IV
12-15-0.....		\$54.20	\$56.20	\$57.20
12-8-0.....	\$45.20			
10-20-0.....		\$55.20	\$57.20	\$58.20
10-10-0.....		\$42.60	\$44.60	\$45.60
10-0-10.....	\$42.60			
6-30-0.....		\$57.20	\$59.20	\$60.20
6-12-0.....		\$36.20	\$38.20	\$39.20
6-8-4.....		\$36.20	\$38.20	\$39.20
5-10-5.....		\$36.40	\$38.40	\$39.40
4-16-0.....		\$35.20	\$37.20	\$38.20
4-12-6.....		\$36.60	\$38.60	\$39.60
4-12-4.....		\$35.20	\$37.20	\$38.20
4-8-8.....		\$32.20		
3-12-12.....		\$30.60	\$32.60	\$33.60
4-10-0.....		\$38.20		
4-8-8.....	\$35.20		\$37.20	\$38.20
3-12-12.....	\$39.20			
3-9-18.....		\$41.40		
2-12-6.....		\$32.60		
0-14-7.....	\$31.00	\$31.00	\$33.00	\$34.00
0-12-12.....	\$33.20	\$33.20		
0-10-20.....		\$37.60		
0-45-0.....	\$56.60	\$56.60	\$58.60	\$59.60
0-20-0.....	\$27.60	\$27.60	\$29.60	\$30.60
0-19-0.....	\$27.20	\$27.20	\$29.20	\$30.20
0-18-0.....	\$26.60	\$26.60	\$28.60	\$29.60
0-0-60 Muriate.....	\$53.00	\$53.00	\$55.00	\$56.00
0-0-50 Muriate.....	\$47.60	\$47.60	\$49.60	\$50.60
0-0-48 Sulphate.....	\$57.60	\$57.60	\$59.60	\$60.60
0-0-21.5 Sulphate of potash-magnesia.....	\$47.60	\$47.60	\$49.60	\$50.60
0-0-30 Manure salts.....	\$34.60	\$34.60	\$36.60	\$37.60
0-0-25 Manure salts.....	\$32.60	\$32.60	\$34.60	\$35.60
0-0-22 Manure salts.....	\$29.60	\$29.60	\$31.60	\$32.60

<sup>1</sup> Texas only.

<sup>2</sup> Arkansas only.

<sup>3</sup> Oklahoma only.

(b) *Special ingredients.* For specified guaranteed quantities of the following ingredients, an extra charge may be added to the prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate.....	\$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source.....	1.00

	Per pound
Copper sulphate.....	\$0.10
Manganese sulphate, 65%.....	.05
Borax.....	.05
Iron sulphate.....	.04

(c) *Premium brands.* Add to the maximum prices in (a) differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.*

Deduct \$0.55 per ton for 200-pound textile bags.

Deduct \$1.75 per ton for 100-pound paper bags.

(e) *Time prices.* Consumer's time prices are determined by dividing cash prices in (a) by .9. Consumer's notes taken at time prices shall bear interest from May 1 at the rate of 8% per annum to maturity (10% per annum after maturity, Arkansas, Oklahoma, Texas and New Mexico only) until paid on all goods delivered prior to May 1 and from the first of the following month on all goods delivered thereafter.

#### SCHEDULE L—TENNESSEE

(a) Maximum consumer's delivered to railhead or agent's warehouse cash prices for goods in 125-pound textile bags.

Grade:	Price per ton
8-5-5.....	\$37.20
6-8-4.....	34.60
5-10-5.....	35.00
4-16-0.....	33.60
4-12-4.....	33.80
4-12-0.....	30.40
4-9-3.....	30.50
4-8-8.....	34.00
3-9-9.....	33.60
3-9-6.....	31.00
2-12-6.....	31.40
2-14-4.....	31.20
0-14-7.....	29.80
0-14-4.....	27.20
0-12-12.....	32.40
0-20-0.....	24.80
0-19-0.....	24.20
0-18-0.....	23.40
0-0-60 Muriate of potash.....	56.60
0-0-50 Muriate of potash.....	51.00
0-0-25 Manure salts.....	36.00
0-0-60 Sulphate of potash.....	61.00
0-0-21.5 Sulphate of potash-magnesia.....	51.00

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's cash prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate.....	\$0.30
Magnesia from sulphate potash-magnesia, seawater magnesium or similar source.....	1.00

	Per pound
Copper sulphate.....	\$0.10
Manganese sulphate, 65%.....	.05
Borax.....	.05
Elemental sulphur.....	.035

(c) *Premium brands.* Add to the maximum prices in (a), differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.*

Add 30¢ per ton for 100-pound textile bags.  
Deduct 25¢ per ton for 200-pound textile bags.

Deduct \$1.45 per ton for 100-pound paper bags.

(e) *Time prices* are determined by dividing the cash prices by .9. Consumer's notes taken at time prices shall bear interest at the rate of 6% per annum from date of delivery until paid.



(f) *Less carload lots.* For shipments in l. c. l. by rail, add the difference between c. l. and l. c. l. freight rates.

#### SCHEDULE M—KENTUCKY

(a) Maximum consumer's delivered to railroad or agent's warehouse basis prices for goods in paper bags.

Grade:	Price per ton
10-6-4	\$43.20
6-8-6	37.80
5-10-10	40.40
4-16-0	34.90
4-12-8	38.30
4-12-4	34.90
4-12-0	31.50
4-10-6	34.90
3-12-12	39.60
3-9-6	32.00
2-14-4	32.60
2-12-6	32.60
0-20-20	51.20
0-20-10	42.20
0-14-14	37.00
0-14-7	31.10
0-14-4	28.60
0-12-12	33.00
0-45-0	54.50
0-20-0	26.00
0-19-0	24.70
0-18-0	23.40
0-0-60 Muriate of potash	55.90
0-0-50 Muriate of potash	50.40
0-0-48 Sulphate of potash	60.40
0-0-21.5 Sulphate of potash-magnesia	50.40

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's delivered time prices in (a) as follows: (except premium brands)

	Per unit
Potash from sulphate	\$0.40
Magnesium oxide from sulphate potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	\$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035

Ground tobacco stems, per cwt:

In complete mixed fertilizers	\$0.30
In phosphate-potash mixtures	.50
In superphosphate	1.00

(c) *Premium brands.* These may take a price above the maximum prices in (a) no greater in cents per ton than was in effect during the period February 16-20, 1942.

(d) *Bag differentials.*

Add \$1.30 per ton for 167 or 200-pound textile bags.

Add \$1.60 per ton for 125-pound textile bags.

Add \$1.90 per ton for 100-pound textile bags.

(e) *Terms—(1) Discounts.* 5% for cash.

(2) *Time price.* Consumer's notes taken at basis prices shall bear interest at the rate of 6% per annum from delivery date until paid.

(f) *Less carload lots.* For shipment l. c. l. by rail, add the difference between carlot and less carlot freight rates.

**SCHEDULE N—OHIO, INDIANA, MICHIGAN, ILLINOIS, WISCONSIN, IOWA, MISSOURI, MINNESOTA, NEBRASKA, KANSAS, NORTH DAKOTA, SOUTH DAKOTA, OKLAHOMA (COUNTIES OF CIMARRON, TEXAS, BEAVER, HARPER, WOODS, ALFALFA, GRANT, KAY, OSAGE, WASHINGTON, NOWATA, CRAIG, OTTAWA AND DELAWARE ONLY)**

(a) Maximum consumer's delivered to railroad or agent's warehouse basis prices for goods in paper bags.

(1) Grade	Ohio	Indiana	Illinois	Michigan	Wisconsin
				S. P.	N. P.
10-6-4	\$41.75	\$42.10	\$42.60	\$41.75	\$44.90
8-8-8	42.25	42.60	43.10	42.25	45.40
5-10-10	39.35				
4-16-4				37.65	40.80
4-16-0	33.85	34.20	34.70	33.85	37.00
4-10-6	34.45	34.80	35.30	34.45	37.60
3-18-0	43.60	43.95	44.45	43.60	46.75
3-12-12	38.35	38.70	39.20	38.35	41.50
3-9-18	40.90	41.25	41.75	40.90	44.05
2-16-8		37.20	37.70	36.85	40.00
2-12-6	31.95	32.30	32.80	31.95	35.10
0-20-20	50.85	51.20	51.70	50.85	54.00
0-20-10	40.95	41.30	41.80	40.95	44.10
0-14-14	35.45	35.80	36.30	35.45	38.60
0-14-7	30.20	30.55	31.05	30.20	33.35
0-12-12	32.65	33.00	33.50	32.65	35.80
0-10-20	37.35	37.70	38.20	37.35	40.50
0-9-27	42.40	42.75	43.25	42.40	45.55
0-45-0	56.09	56.70	57.60	56.09	59.50
0-20-0	27.00	27.30	27.70	27.00	30.00
0-19-0	25.65	25.95	26.35	25.65	28.65
0-18-0	24.30	24.60	25.00	24.30	27.30
0-0-60 Muriate	56.10	55.70	55.70	56.80	57.80
0-0-50 Muriate	50.70	50.30	50.30	51.40	52.40
0-0-50 Sulphate	60.70	60.30	60.30	61.40	62.40
0-0-21.5 Sulphate potash-magnesia	50.70	50.30	50.30	51.40	52.40

(2) Grade	Missouri	Iowa	Minnesota	Nebraska	Kansas and Oklahoma	North and South Dakota
10-6-4	\$44.50	\$44.90	\$44.90	\$45.50	\$45.30	\$47.00
10-20-0				51.60		53.10
8-16-12			59.20			
8-8-8			45.40			47.50
6-30-0				50.50		52.00
6-12-18			55.90			
5-10-10	42.10				42.90	
4-24-12			59.60			
4-16-16			54.60			
4-16-4		40.80		41.40		
4-12-4	36.60	37.00	37.00	37.60	37.40	39.10
4-10-6	37.00	37.40	37.40		37.80	
3-18-0	37.20	37.60	37.60	38.20	38.00	39.70
3-12-12	46.35	46.75	46.75	47.35	47.15	48.85
3-9-18	41.10	41.50	41.50	42.10	41.90	43.60
2-16-8	43.65	44.05	44.05	44.65	44.45	46.15
2-12-6			40.00			
0-30-15	34.70	35.10	35.10	35.70	35.50	37.20
0-20-20			60.25			
0-20-10	53.60	54.00	54.00	54.60	54.40	56.10
0-14-14	43.70	44.10	44.10	44.70	44.50	46.20
0-14-7	38.20	38.60	38.60	39.20	39.00	40.70
0-12-36	32.95	33.35	33.35	33.95	33.75	35.45
0-12-24			58.00			
0-12-12			47.20			
0-10-20	35.40	35.80	35.80	36.40	36.20	37.90
0-10-10	40.10	40.50	40.50	41.10	40.90	42.60
0-9-27		45.55	45.55	46.15	45.95	47.65
0-45-0	56.15	56.50	56.50	57.15	56.95	58.65
0-43-0				54.85		57.75
0-20-0	30.80	31.20	31.20	31.80	31.60	33.30
0-19-0	29.45	29.85	29.85	30.45	30.25	31.95
0-18-0	28.10	28.50	28.50	29.10	28.90	30.60
0-0-60 Muriate	66.70	67.20	67.20	67.80	67.60	69.30
0-0-50 Muriate	61.30	61.80	61.80	62.40	62.20	63.90
0-0-50 Sulphate	61.30	61.80	62.40	62.40	62.40	64.10
0-0-21.5 Sulphate potash-magnesia	61.30	61.80	62.40	62.40	62.40	64.10

(3) *Differentials for western Nebraska, North Dakota and South Dakota.*

*Eastern Nebraska.* Prices in (a) (2) apply to delivery east of and including counties of Dakota, Thurston, Burt, Dodge, Saunders, Lancaster, and Gage.

*Central Nebraska.* Add \$1.40 per ton for deliveries in counties west of the above and east of and including counties of Knox, Antelope, Boone, Nance, Merrick, Hill, Adams and Webster.

*Western Nebraska.* For territory west of counties listed in Central Nebraska, add excess carload rate of freight above \$5.00 from Chicago divided by .84 to the basis prices for Central Nebraska.

*North Dakota.* Prices in (a) (2) apply to delivery east of and including counties of Pembina, Walsh, Grand Forks, Cass, Richland and Traill.

*South Dakota.* Prices in (a) (2) apply to delivery east of and including counties of McPherson, Falk, Edmunds, Hyde, Buffalo, Burle, and Charles Mix.

*Western North and South Dakota.* For territory west of counties listed above, add excess carload rate of freight above \$5.00 from Chicago divided by .82 to the basis prices for eastern North and South Dakota.

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the consumer's basis prices in (a) (1) and (2), as follows: (except premium brands)

	Per unit
Sulphate of potash	\$0.40
Magnesium oxide from sulphate of potash-magnesia, seawater magnesium or similar source	1.00
	Per pound
Copper sulphate	\$0.10
Manganese sulphate, 65%	.05
Borax	.05
Elemental sulphur	.035
Ground tobacco stems, per cwt:	
In complete mixed fertilizers	\$0.30
In phosphate-potash mixtures	.50
In superphosphate	1.00



(c) *Premium brands.* These may take a price above the maximum prices in (a) no greater in cents per ton than was in effect during the period February 16-20, 1942.

(d) *Bag differentials.*

Add \$1.30 per ton for 167 or 200-pound textile bags.

Add \$1.60 per ton for 125-pound textile bags.

Add \$1.90 per ton for 100-pound textile bags.

(e) *Terms.* (1) Discounts. 5% for cash payment.

(2) Time prices. Consumer's notes taken at basis prices and dated the date of delivery, shall bear interest at the legal rate for the state.

(f) *Delivery.* For less carlot shipments, add the difference between the carload and less-than-carload rates of freight.

#### SCHEDULE O—WYOMING, COLORADO, UTAH, IDAHO, MONTANA, NEVADA

(a) Maximum consumer's cash price f. o. b. dealer's warehouse for goods in paper bags.

Grade:	Price per ton
17-7-0	\$74.20
17-4-4	68.20
12-12-0	54.20
11-22-0	66.20
10-18-5	63.30
10-16-8	62.20
10-12-14	62.00
10-20-0	61.00
6-30-0	64.00
4-24-4	57.20
4-24-0	54.40
4-12-4	44.00
0-12-20	47.20
0-43-0	52.00
0-18-0	30.50
0-0-60 Muriate	55.00
0-0-51 Sulphate	65.00

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the prices in (a) above, as follows: (except premium brands)

	Per unit
Potash from sulphate	\$0.30
	Per pound
Copper sulphate	\$0.07
Manganese sulphate	0.06
Borax	0.05
Elemental sulphur	0.03
Zinc sulphate	0.05
Iron sulphate	0.04

(c) *Premium brands.* Add to the maximum prices in (a) differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.*

Add \$1.30 per ton for 167 or 200-pound textile bags.

Add \$1.60 per ton for 125-pound textile bags.

Add \$1.90 per ton for 100-pound textile bags.

(e) *Terms.* Add \$3.00 per ton to cash prices plus interest at the legal rate from date of delivery, for time prices.

(f) *Delivery.* Hauling expense in excess of \$1.00 per ton from rail delivery point to dealer's warehouse may be added to prices in (a).

#### SCHEDULE P—WASHINGTON AND OREGON

(a) Maximum consumer's basis prices f. o. b. factories Seattle, Tacoma or Portland for goods in 100-pound paper bags.

Grade:	Price per ton
17-12-0 <sup>1</sup>	\$71.00
17-4-4 <sup>1</sup>	63.80

<sup>1</sup> Washington only.

Grade:	Price per ton
12-12-0	\$59.75
10-16-8 <sup>1</sup>	65.85
10-12-14	65.05
10-20-0	65.25
9-4-6	48.55
6-10-4	47.30
6-30-0	69.50
5-10-10	49.00
5-10-5	45.50
5-6-8	42.60
4-24-4 <sup>2</sup>	59.80
4-24-0	57.00
4-16-0	47.00
4-12-4	44.80
3-10-20	51.00
3-10-10	44.00
0-12-20	46.00
0-43-0	54.70
0-18-0	31.50
0-0-60 Muriate of potash	50.40
0-0-51 Sulphate of potash	56.00

<sup>2</sup> Oregon only.

(b) *Special ingredients.* For specified quantities of the following ingredients an extra charge may be added to the prices in (a) above, as follows: (except premium brands)

	Per unit
Potash from sulphate	\$0.40
Synthetic organic nitrogen	.75
Natural organic nitrogen	4.25

(c) *Bag differentials.*

Add \$1.30 per ton for 167 or 200-pound textile bags.

Add \$1.60 per ton for 125-pound textile bags.

Add \$1.90 per ton for 100-pound textile bags.

(d) *Premium brands.* Add to maximum prices in (a) above, differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(e) *Terms.* (1) Discounts, 5% for cash payment. (C. O. D., cash with order or SD/BL).

(2) Time prices. To the prices in (a), add interest at the rate of 8% per annum after 30 days from date of delivery.

(f) *Deliveries—Less carlots.* For less carlots shipped by rail, for delivery to freight terminals add,

\$1.00 per ton on 5-ton lots  
\$2.00 per ton on less than 5-ton lots.

#### SCHEDULE Q—CALIFORNIA AND ARIZONA

(a) Maximum consumer's delivered basic prices, full truck or carlots, for goods in 100-pound paper bags.

(1) *Column I—California.* Counties of Los Angeles, Orange, San Bernardino and western part of Riverside.

*Column II—California.* Counties of Imperial, San Diego, Ventura, Santa Barbara (except Cuyama Valley), Hemet and Indo districts of Riverside County.

*Column III—California.* Cuyama Valley only of Santa Barbara County, counties north of and including San Luis Obispo, Kern and Inyo.

Grade	Price per ton		
	I	II	III
0-10-12	\$43.10	\$44.10	\$44.60
2-10-8	43.40	44.40	44.90
4-6-8	43.50	44.50	45.00
4-10-10	50.00	51.00	51.50
4-12-4	45.90	46.90	47.40
4-16-0	46.10	47.10	47.60
4-18-18	67.20	68.20	68.70
5-12-5	49.20	50.20	50.70
5-14-9	55.60	56.60	57.10
6-0-6	49.20	50.20	50.70
6-10-4	48.20	49.20	49.70
6-12-8	54.60	55.60	56.10
8-0-12	50.10	51.10	51.60
8-6-8	52.50	53.50	54.00

Grade	Price per ton		
	I	II	III
8-8-4	\$50.50	\$51.50	\$52.00
8-10-12	61.10	62.10	62.60
10-5-5	52.75	53.75	54.25
10-5-10	58.00	59.00	59.50
10-10-0	53.00	54.00	54.50
10-10-5	58.25	59.25	59.75
10-12-10	65.70	66.70	67.20
10-16-8	68.00	69.00	69.50
10-20-0	64.00	65.00	65.50
12-6-0	53.10	54.10	54.60
12-0-14	61.20	62.20	62.70
14-0-8	59.40	60.40	60.90
17-7-0	65.50	66.50	67.00
0-18-0	27.75	28.75	29.25
0-43-0	52.00	53.00	54.00
0-47-0	56.00	57.00	58.00
0-0-51 Sulphate	57.00	58.00	58.50
0-0-60 Muriate	51.50	52.50	53.00

(2) *Arizona.*

Grade:	Price per ton
4-8-0	\$40.60
4-12-4	49.20
4-16-0	49.40
4-19-5	57.95
6-10-4	51.50
6-12-0	49.50
6-18-0	56.10
8-8-0	49.60
8-12-0	54.00
8-16-0	58.40
10-10-0	56.30
10-20-0	67.30
10-38-0	87.10
14-6-0	60.90
0-18-0	32.30
0-43-0	53.20
0-0-60 Muriate of potash	54.80
0-0-51 Sulphate of potash	50.30

(b) *Special ingredients.* For specified quantities of the following ingredients, an extra charge may be added to the prices in (a) (1) and (2), as follows: (except premium brands)

Synthetic organic nitrogen, \$0.75 per unit.  
Natural organic nitrogen, \$4.25 per unit.  
Deduct 25¢ per unit for Potash from Muriate.

Sulphur (Elemental), \$0.02 per pound.  
Sulphur (Elemental), \$0.0375 per pound  
Arizona only.

Copper sulphate ( $\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$ ), \$0.07 per pound.

Borax ( $\text{Na}_2\text{B}_4\text{O}_7 \cdot 10\text{H}_2\text{O}$ ), \$0.05 per pound.

Zinc sulphate ( $\text{ZnSO}_4 \cdot 7\text{H}_2\text{O}$ ), \$0.05 per pound.

Iron sulphate ( $\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$ ), \$0.04 per pound.

Aluminum sulphate ( $\text{Al}_2(\text{SO}_4)_3 \cdot 18\text{H}_2\text{O}$ ), \$0.04 per pound.

Manganese sulphate ( $\text{MnSO}_4 \cdot 4\text{H}_2\text{O}$ ), \$0.05 per pound.

Watersoluble magnesium oxide, \$0.80 per unit.

(c) *Premium brands.* Add to the maximum prices in (a) (1) and (2), differentials no greater in cents per ton than were in effect during the period February 16-20, 1942.

(d) *Bag differentials.*

Add \$1.30 per ton for 167 or 200-pound textile bags.

Add \$1.60 per ton for 125-pound textile bags.

Add \$1.90 per ton for 100-pound textile bags.

(e) *Terms.* (1) Cash discount. Deduct 5% for cash payment within 10 days of delivery.

(2) Time prices. Add legal rate of interest to the prices in (a) (1) and (2) after 30 days from date of delivery.

(f) *Delivery.* (1) Delivery discount  
Column III (a) (1) only: Where the freight rate is less than \$3.00 per ton, deduct the



difference between \$3.00 and the actual freight rate from the prices in (a) (1).

(2) Prices in (a) (1) and (2) are, at manufacturer's option, delivered at ranch in full truck loads or at consumer's nearest railway siding in full carloads with freight over the following amounts for buyer's account:

California:

Column I.....	\$1.50
Column II.....	2.00
Column III.....	8.00
Arizona.....	1.50

(3) F. O. B. factory prices: California manufacturer's selling on an f. o. b. factory basis shall deduct from prices in (a) (1):

\$1.00 per ton from prices in Column I
\$1.50 per ton from prices in Column II
\$2.50 per ton from prices in Column III

(4) *Less truckload deliveries.* When delivery is made in less than full truckloads, add the difference between the less truckload and the full truckload rate to the prices in (a) (1) and (2).

#### SCHEDULE R—PUERTO RICO

(a) *Manufacturer's maximum prices to consumers.* A manufacturer's maximum prices to consumers shall be the prices set forth in the written or printed price schedule or list effective on October 15, 1941, denoted herein as the base period prices, subject to upward or downward adjustment as follows:

Beginning on April 1, 1943, and quarterly thereafter, a manufacturer's base period price may be increased or shall be decreased, net to the manufacturer, by the amount of the difference, if any, between (1) the manufacturer's average delivered-to-factory cost per unit of the ammonia, available phosphoric acid and potash received by him and the cost of the bags or containers used by him during the period July 1 to December 31, 1941, inclusive, and (2) the manufacturer's average delivered-to-the-factory cost of such materials received by him and bags or containers used by him during the three months' period last preceding the quarter annual adjustment date; if, during any such three months' period, no materials or bags were received by the manufacturer, then the average cost for the next preceding three months' period shall be applied in making the appropriate increase or decrease in his base period prices.

(b) *Dealer's maximum prices to consumers.* A dealer's maximum prices to consumers may not exceed by more than five per cent the maximum prices which the manufacturer might charge such consumers for the same kind of sale.

#### SCHEDULE S—VICTORY GARDEN AND SPECIALTY FERTILIZERS

(a) *Victory garden fertilizer.* (1) Maximum consumer prices shall be:

	Per package	
	Super-phosphate	Other kinds
In 100-pound packages:		
2,000 pounds or more.....	\$2.20	\$3.20
1,000 to 1,900 pounds.....	2.45	3.45
500 to 900 pounds.....	2.55	3.55
100 to 400 pounds.....	2.70	3.70
In smaller packages:	Each	Each
50-pound package.....	1.70	2.35
25-pound package.....	1.20	1.45
10-pound package.....	.65	.80
5-pound package.....	.45	.50

(2) Maximum prices delivered to dealers shall be:

	Per package	
	Super-phosphate	Other kinds
100-pound package.....	\$1.85	\$2.70
50-pound package.....	1.20	1.70
25-pound package.....	.85	1.05
10-pound package.....	.45	.60
5-pound package.....	.30	.35

(3) Where mixed fertilizer labeled "Victory Garden Fertilizer—For Food Production Only" is sold for use in the commercial production of crops, the maximum prices of such fertilizer provided in sections 1 and 2 hereinabove set forth shall not apply and the maximum prices shall be as provided in Article III, Maximum Price Schedules.

(b) *Specialty fertilizers.* (1) Maximum prices of specialty fertilizers sold and delivered to dealers shall be: (i) the prices set forth in the written or printed price schedule or list last issued by the manufacturer prior to February 21, 1942, and effective for any portion of the period from February 16, 1942 to February 20, 1942, inclusive, for the same brand of fertilizer, regardless of the kind of nitrogen or other fertilizer materials then mixed in that brand; or (ii) a price based on the following prices for a 3-8-7 grade with nitrogen derived entirely from natural organic nitrogen materials:

Specialty fertilizer 3-8-7 (all organic nitrogen).

Size of package:	Price per package
100-pound.....	\$3.10
50-pound.....	1.90

Size of package <sup>1</sup> :	Price per package
25-pound.....	\$1.15
10-pound.....	.58
5-pound.....	.35

<sup>1</sup> The price per pound in packages of any size other than those listed shall be no higher than the price per pound in the next larger size of package which is listed.

(2) For variations in nitrogen, available phosphoric acid and potash adjustments per package shall be made at the following rates:

Size of package	Price adjustment per unit	
	Total nitrogen	Available phosphoric acid or potash
100-pound.....	\$0.30	\$0.04
50-pound.....	.15	.02
25-pound.....	.075	.01
10-pound.....	.03	.00
5-pound.....	.015	.00

(3) When chemical nitrogen is used to replace organic nitrogen the prices established under (1) and (2) above shall be reduced at the rate of 20¢ per 100-pound package, 10¢ per 50-pound package and 5¢ per 25-pound package for each unit of nitrogen per ton derived from chemical rather than natural organic nitrogen materials.

(4) Each manufacturer shall continue to offer such quantity discounts, as were set forth in his written or printed price schedule last issued prior to February 21, 1942, and effective for any portion of the period from February 16, 1942, to February 20, 1942, inclusive.

(5) Maximum prices of specialty fertilizers for sales to consumers may be established by

adding to the dealer's maximum prices established under (b) (1), (2) or (3) above:

(i) The percentage markup over the price to dealers as recommended in the written or printed price schedule last issued by the manufacturer prior to February 21, 1942, and effective for any portion of the period from February 16-20, 1942, inclusive; or

(ii) A markup of 40 per cent over the price to dealers as herein established if no recommended margin was provided in the price list in effect during the period from February 16, 1942 to February 20, 1942, inclusive.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18519; Filed, November 17, 1943; 11:48 a. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[R.O. 13, Amdt. 87]

##### PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Ration Order 13 is amended in the following respects:

1. Section 21.1 (a) (26) (iii) is revoked.

2. Section 21.1 (a) (27) (iii) is added to read as follows:

(iii) A viscous or semi-solid product containing fruit juice or pectin, which is sold or transferred, or held for sale or transfer, or principally used as a pastry filling, flavoring or topping, whether or not labelled as such.

3. The item "pie or pastry cream fillings, with or without fruit flavoring" in Appendix A is amended to read as follows:

Pie or pastry fillings, with or without fruit flavoring, containing corn starch, flour, gelatin, or other similar thickening agent other than pectin.

This amendment shall become effective November 17, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 17th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18520; Filed, November 17, 1943; 11:48 a. m.]

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 11048, 11388, 11483, 11513, 11753, 11812, 12026, 12297, 12312, 12446, 12485, 12548, 12560, 13301, 13492, 13980.



PART 1432—RATIONING OF CONSUMERS'  
DURABLE GOODS[RO 9A, Amdt. 5 to Supp. 1<sup>1</sup>]

## STOVES

Supplement 1 to Ration Order 9A is amended in the following respect:

Table II in § 1432.69 (b) (3) (ii) is amended by inserting between the group of entries headed "Region I" and the group of entries headed "Region IV", the following:

## PERCENTAGE INCREASES IN ALLOWABLE INVENTORIES GRANTED ON REGISTRATION

OPA district	Heating stoves of following types			Cooking stoves of following types		
	Coal or wood	Oil	Gas	Coal or wood	Oil	Gas
<b>Region II</b>	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent
Wilmington.....	0	100	50	100	100	50
Washington, D. C.....	0	50	0	0	0	50
Baltimore.....	0	50	0	50	0	50
Camden.....	0	100	50	50	0	50
Newark.....	0	50	0	0	0	50
Trenton.....	0	50	0	0	0	50
Albany.....	0	50	0	0	0	50
Binchampton.....	0	0	50	0	0	50
Buffalo.....	0	50	0	0	0	50
New York City.....	0	50	0	0	0	50
Syracuse.....	0	50	50	0	0	50
Altoona.....	50	0	0	0	0	50
Erie.....	50	0	50	0	0	50
Harrisburg.....	0	0	0	0	0	50
Philadelphia.....	0	0	0	0	0	50
Pittsburgh.....	0	0	0	0	0	50
Seranton.....	0	0	100	50	0	50
Williamsport.....	50	0	100	50	0	50
<b>Region III</b>						
Indianapolis.....	50	0	0	50	50	50
Lexington.....	50	0	150	0	50	50
Louisville.....	0	0	0	0	0	50
Detroit.....	100	0	50	50	50	100
Grand Rapids.....	50	0	0	50	50	50
Iron Mountain.....	0	50	50	50	50	50
Saginaw.....	50	0	0	50	50	50
Cincinnati.....	0	0	50	0	0	50
Cleveland.....	0	0	0	50	0	50
Columbus.....	0	0	0	50	0	50
Toledo.....	0	0	0	0	50	0
Charleston.....	0	0	100	0	50	50

This amendment shall become effective November 17, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1-S, 8 F.R. 6018)

Issued this 17th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18523; Filed, November 17, 1943; 11:51 a. m.]

## PART 1444—ICE BOXES

[MPR 399, Amdt. 9]

## NEW ICE BOXES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 11564, 12749, 13060, 14049, 15254.

<sup>2</sup> 8 F.R. 13204.

<sup>3</sup> 8 F.R. 7448, 9062, 11386, 11813, 13982, 14150, 14618.

Maximum Price Regulation No. 399 is amended in the following respects:

Section 16, Table B, "Retail Ceiling Prices for Sales of Ice Boxes by Mail Order Houses When Selling from a Mail Order Catalog," is amended by adding ceiling prices for a new model ice box as set forth below:

Manufacturer	Brand	Model	Rated ice capacity	Retail base price
Spiegel, Inc....	Snowflake...	KB2401..	Pounds 50	\$39.95

This amendment shall become effective on the 23d day of November, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18521; Filed, November 17, 1943; 11:48 a. m.]

## Notices

## OFFICE OF DEFENSE TRANSPORTATION.

[ODT 20A, Supp. Order 37]

CLEVELAND AREA, OHIO

## COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Cleveland, Ohio and between Cleveland, Ohio and Lakewood or Rocky River, Ohio, the last two points named being located within ten miles of the corporate limits of the City of Cleveland, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

<sup>1</sup> Filed as part of the original document.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed as having required or as requiring the action provided for in sections 2 (d) and 3 (c) of Appendix 2, nor shall any dispute arising under these sections be referred for arbitration to the Office of Defense Transportation as provided in section 3 (d) of said Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Cleveland, Ohio, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-37" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Cleveland, Ohio.

8. This order shall become effective November 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of November 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.



## APPENDIX 1

The Yellow Cab Company of Cleveland, Inc., Cleveland, Ohio.  
 Zone Cab Corporation, Cleveland, Ohio.  
 The Westlake Cab Service Company, Lakewood, Ohio.

[F. R. Doc. 43-18487; Filed, November 17, 1943; 11:06 a. m.]

[ODT 20A, Supp. Order 38]

LEAVENWORTH AREA, KANS.

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Leavenworth, Kansas, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements

made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Kansas City, Missouri, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-38" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Kansas City, Missouri.

8. This order shall become effective November 30, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of November 1943.

JOSEPH B. EASTMAN,

Director,

Office of Defense Transportation.

## APPENDIX 1

American Cab Co., Leavenworth, Kans.  
 Yellow Cab Co., Leavenworth, Kans.  
 Bell Cab Co., Leavenworth, Kans.

[F. R. Doc. 43-18488; Filed, November 17, 1943; 11:06 a. m.]

[ODT 20A, Supp. Order 39]

SALT LAKE CITY AREA, UTAH

COORDINATED OPERATIONS OF TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Salt Lake City, Utah, including Murray, Utah, and other points within ten miles of the city limits, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Salt Lake City, Utah, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-39" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Salt Lake City, Utah.

8. This order shall become effective November 30, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier

<sup>1</sup>Filed as part of the original document.



time as the Office of Defense Transportation by further order may designate. Issued at Washington, D. C., this 17th day of November 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

## APPENDIX 1

Salt Lake Transportation Co., doing business as Yellow Cab Co., Salt Lake City, Utah.  
Utah Transportation Co., doing business as Checker Cab Co., Salt Lake City, Utah.  
Salt Lake Transit, doing business as Murray Cab Co., Murray, Utah.  
Ezra Price, doing business as National Cab Co., Salt Lake City, Utah.  
Ray E. Penney, doing business as Victory Cab Co., Salt Lake City, Utah.  
Paul La Londe, doing business as Paul's Cab Co., Salt Lake City, Utah.

[F. R. Doc. 43-18439; Filed, November 17, 1943; 11:06 a. m.]

[ODT 20A, Supp. Order 40]

## PITTSBURG AREA, CALIF.

## COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Pittsburg, California, including Antioch, Oakley, Martinez, Brentwood, Camp Stoneman and Camp Pittsburg, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any opera-

tor named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed to include the action contemplated by section 5, paragraph (g) of Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, San Francisco, California, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-40" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, San Francisco, California.

8. This order shall become effective November 30, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 17th day of November 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

## APPENDIX 1

Murphy's Taxi, Pittsburg, California.  
Mario's Taxi, Pittsburg, California.  
The Town Taxi, Pittsburg, California.  
Victory Cab Company, Pittsburg, California.  
Antioch Cab Company, Antioch, California.

[F. R. Doc. 43-18490; Filed, November 17, 1943; 11:07 a. m.]

[Rev. ODT 3, Supp. Order 78]

## YELLOW TRANSIT CO. AND COUCH TRANSFER &amp; STORAGE CO., INC.

## COORDINATED OPERATIONS BETWEEN POINTS IN OKLAHOMA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Yellow Transit Co., a corporation,<sup>2</sup> Oklahoma City, Oklahoma, and Couch Transfer & Storage Co., Inc., Ada, Oklahoma, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,<sup>3</sup> a copy of which plan is attached hereto as Appendix 1,<sup>4</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority

<sup>1</sup> Filed as part of the original document.

<sup>2</sup> F. R. 5445, 6689, 7694; 8 F. R. 4660.



of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-78," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 9, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 5th day of October 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-18512; Filed, November 17, 1943  
11:42 a. m.]

#### TOPEKA, KANS., FLORISTS

##### RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), Clapier's Flower Shop and seven other florists of Topeka, Kansas, named in Appendix 1 hereof, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of flowers and related articles by motor vehicle in Topeka, including North Topeka and those districts known as Oakland and Highland Park.

The eight participants plan to organize a nonprofit cooperative service to make local deliveries not involving funerals and weddings. The participants will make their trucks available to the cooperative service, which will use one of such trucks daily in rotation. The cooperative service will receive payment for each package delivered, and will reimburse, on a mileage basis, each participant whose delivery equipment is used.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under Section 12 of Public Law 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 5th day of October 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

##### APPENDIX 1

1. Paul S. Clapier, doing business as Clapier's Flower Shop.
2. Edith Mathewson, doing business as Miss Edith's Flower Shop.
3. James Hayes, doing business as Hayes Flower Shop.
4. Effie Hubbard, doing business as Hubbard's Flowers.
5. R. B. Krieg, doing business as Krieg's Flowers.
6. F. H. Durant, et al., doing business as Lord's Flowers.
7. Wm. Sachs, doing business as Sachs Florist.
8. E. F. Wilson, doing business as E. F. Wilson, Florist.

[F. R. Doc. 43-18511; Filed, November 17, 1943;  
11:40 a. m.]

#### DESIGNATED FLORISTS IN DALLAS, TEX.

##### RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), Reba Douglas and Dorothy Douglas, doing business as Flower-A-Day Shop, and Fred Timms, doing business as Highland Park Greenhouses, both of Dallas, Texas, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in the Dallas area.

The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of flowers and related articles in Dallas, Texas, and contiguous municipalities, by the establishment of delivery zones and by pooling their deliveries. They estimate that effectuation of the plan will result in savings of 60,000 truck-miles a year.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of

which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 9th day of October 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 43-18513; Filed, November 17, 1943;  
11:41 a. m.]

#### RENDERING COMPANIES OF SOUTHEASTERN IOWA

##### RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), Morning Sun Rendering, Morning Sun, Iowa; Mid-West Rendering, Bonaparte, Iowa; National By-Products, Inc., Albia, Iowa; and Farmers Rendering, Iowa City, Iowa, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of dead animals, waste fats and greases from points in southeastern Iowa to their rendering plants.

The participants in the plan propose to eliminate wasteful operations in the transportation of dead animals, waste fats and greases, to their respective rendering plants by establishing collection zones whereby these materials generally will be collected by, and transported to the plant of, the nearest participant. Effectuation of the plan will permit the withdrawal from this service of four trucks and will result in estimated savings of 400,000 truck-miles a year.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 9th day of October 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 43-18514; Filed, November 17, 1943;  
11:40 a. m.]



# MILK DISTRIBUTORS OF MIDDLETOWN, OHIO RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), the milk distributors of Middletown, Ohio, listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of dairy products in Middletown, Ohio.

The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of dairy products in Middletown, Ohio, by loading their delivery vehicles to capacity before leaving their plants, by relocating delivery routes to reduce mileage to a minimum, by limiting retail deliveries to not more than four a week and not more than one in any two consecutive days, by not performing retail delivery service earlier than 7 a. m., and by limiting wholesale deliveries, except to hospitals, to not more than six a week. It is estimated that effectuation of the plan will result in savings of 240,000 truck-miles a year.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 6th day of October 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

## APPENDIX A

1. G. E. Ely, Manager, Avalon Dairy, 1811 Germantown Rd., Middletown, Ohio.
2. H. L. Young, Manager, Borden's Beck Dairy, 1106 2d Ave., Middletown, Ohio.
3. Carter Back, Owner, Carter's Dairy Products, 1800 Germantown Rd., Middletown, Ohio.
4. E. R. Early, Owner, Earley's Dairy Products, 8 Belmont St., Middletown, Ohio.
5. T. H. Cardwell, Manager, Himes Bros. Dairy Co., 3300 Illinois Ave., Middletown, Ohio.
6. W. E. McComb, President, Stokes Dairy Co., 402 Clark St., Middletown, Ohio.
7. Arthur Frechtling, Vice President, Frechtling's Dairy Co., 545 So. Front St., Hamilton, Ohio.

[F. R. Doc. 43-18515; Filed, November 17, 1943;  
11:40 a. m.]

No. 229—6

# OFFICE OF ECONOMIC WARFARE.

J. F. LARRANAGA CO.

## ORDER DENYING LICENSING PRIVILEGES

Pursuant to Part 807 of the regulations, adopted under section 6 of the Act of July 2, 1940, as amended, the Trade Intelligence Division, Office of Exports, Office of Economic Warfare, charged the respondents, J. F. Larranaga Company and J. F. Larranaga, 43 Leonard Street, New York, New York, with the violation of section 6 of the Act of July 2, 1940, as amended, and the regulations adopted pursuant thereto. After due notice the respondents requested an oral hearing in accordance with § 807.7 of said regulations. The matter came on for oral hearing on October 5, 1943, before William B. Butz, Compliance Commissioner for the Office of Economic Warfare.

The Compliance Commissioner received the evidence presented and after due consideration of the record on the 8th day of November 1943 filed his findings of fact and recommendation in this matter. Said findings show that on or about July 28, 1942, the respondents exported to Ferrosnalt, S. A., Montevideo, Uruguay, steel drills of a value of \$78.65 without an export license; that on or about October 6, 1942, respondents exported to Ferrosnalt, S. A., steel drills of a value of \$163.50 without an export license; that respondents knew that the value of said merchandise exceeded a value of \$25.00; that nevertheless respondents certified on the respective export declarations that the shipments were valued at less than \$25.00; that such acts of the respondents were committed knowingly and the same were in violation of section 6 of the Act of July 2, 1940, as amended, and the regulations promulgated pursuant thereto. The Commissioner has recommended that the respondents be denied export licensing privileges for a period of two months, dating from September 21, 1943.

The undersigned having considered the findings and the recommendations of the Compliance Commissioner has determined that the findings of fact are supported by the record evidence and adopts the conclusion of the Compliance Commissioner.

Now, therefore, it is determined and ordered, That the respondents, J. F. Larranaga Company and J. F. Larranaga and any person, association or organization acting in behalf or for the account of them be and each of them is hereby denied the privilege of obtaining individual, or any other type of export license, or release certificate and is denied the use of any general or other type of export license authorizing any exportation whatsoever from the United States until November 21, 1943, and that all presently outstanding export licenses issued to the said respondents or any of them be and the same are hereby revoked.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority

47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

Dated: November 10, 1943.

C. VICTOR BARRY,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-18502; Filed, November 17, 1943;  
11:36 a. m.]

## VAN CLEEF & ARPELS, INC.

### MEMORANDUM OPINION REGARDING LICENSING PRIVILEGES

Memorandum opinion adopting the recommendation of the Compliance Commissioner.

Pursuant to Part 807 of the regulations, adopted under section 6 of the Act of July 2, 1940, as amended, the Trade Intelligence Division, Office of Exports, Office of Economic Warfare, charged the respondents, Van Cleef & Arpels, Inc., Julien Arpels and Claude Arpels, 744 Fifth Avenue, New York, New York, with the violation of section 6 of the Act of July 2, 1940, as amended, and the regulations adopted pursuant thereto. After due notice the respondents requested an oral hearing in accordance with § 807.7 of said regulations. The matter came on for oral hearing on October 7, 1943.

The Compliance Commissioner received the evidence presented and after due consideration of the record on the 5th day of November 1943 filed his findings of fact and recommendation in this matter. Said findings show that respondents received a letter dated February 18, 1943, from Jose Chopitea of Lima, Peru, inquiring about shirt studs and cuff links of a kind previously furnished by the respondents to the writer's brother, Antonio Chopitea; that the respondents cabled Jose Chopitea offering sets identical, or similar, to those furnished Antonio Chopitea; that on March 4, 1943, Jose Chopitea telegraphed respondents indicating preference for identical set to be delivered to one Robert Martin, Plaza Hotel, New York City, payment to be made promptly; that on March 11, 1943, respondents wrote Jose Chopitea that jewelry was ready for delivery and enclosed an invoice for \$2,424.00; that respondents delivered the jewelry to Robert Martin, Plaza Hotel, New York City, and received payment therefor; that on or about March 16, 1943, Robert Martin delivered the jewelry to one Lieutenant Commander Tori; that on March 17, 1943 respondent cabled Jose Chopitea that delivery had been made to Martin and set was en route to Peru; that said Lieutenant Commander Tori delivered said jewelry to Jose Chopitea; that both Robert Martin and respondents knew the jewelry was for exportation to Peru; that neither the respondents nor Robert Martin applied for or inquired concerning an export license therefor; that such acts of the respondents constituted a violation of section 6 of the Act of July 2, 1940, and the regulations promulgated pursuant thereto; but that said violation resulted from negligence rather than de-



liberation. The Commissioner has recommended that the licensing privileges of the respondent should not be curtailed beyond November 5, 1943.

The undersigned having considered the findings and recommendations of the Compliance Commissioner has determined that the findings of fact are supported by the record evidence and adopts the conclusion of the Compliance Commissioner. Since, therefore, the privilege of obtaining individual, or any other type of export license, or release certificate authorizing any exportation whatsoever from the United States is not to be curtailed beyond November 5, 1943, there is no need for the issuance of any order in this proceeding.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

Dated: November 10, 1943.

C. VICTOR BARRY,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-18503; Filed, November 17, 1943;  
11:36 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

### LIST OF INDIVIDUAL ORDERS UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on November 16, 1943.

#### Order Number and Name

MPR 136, as amended, Order 56, revoked, Bowen-Hunter Bobbin Co.  
MPR 136, as amended, Order 57, revoked, David Brown.  
MPR 136, as amended, Order 58, revoked, Glen Bobbin Co.  
MPR 136, as amended, Order 59, revoked, H & P Spool & Bobbin Co.  
MPR 136, as amended, Order 61, revoked, James H. Billington Co.  
MPR 136, as amended, Order 53, Am. 1, Walter L. Parker Bobbin & Spool Co.  
MPR 136, as amended, Order 55, Am. 1, Jackman Co.  
MPR 136, as amended, Order 60, Am. 1, Dana S. Courtney Co.  
MPR 161, Order 34, Anacortes Veneer, Inc.

Copies of these orders may be obtained from the Printing and Distribution Branch of the Office of Price Administration.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-18517; Filed, November 17, 1943;  
11:48 a. m.]

### Regional and District Office Orders.

#### LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on November 12, 1943.

#### REGION I

Concord, Order No. 5, Amendment No. 1; filed 12:13 p. m.  
Concord, Order No. 9; filed 12:14 p. m.

#### REGION II

District of Columbia, Order No. 6, Amendment No. 3; filed 12:08 p. m.  
Syracuse, Order No. 11, Amendment No. 2; filed 12:23 p. m.  
Trenton, Order No. 7, Amendment No. 3; filed 12:22 p. m.  
Trenton, Order No. 8, Amendment No. 2; filed 12:22 p. m.

#### REGION III

Cleveland, Order No. F-2, Amendment No. 2; filed 12:21 p. m.  
Cleveland, Order No. F-4; filed 12:21 p. m.  
Detroit, Order No. 5, Amendment No. 18; filed 12:16 p. m.  
Grand Rapids, Order No. 3, Amendment No. 5; filed 12:20 p. m.  
Grand Rapids, Order No. 4, Amendment No. 5; filed 12:19 p. m.  
Grand Rapids, Order No. 5, Amendment No. 4; filed 12:20 p. m.  
Indianapolis, Order No. 1-F, Amendment No. 6; filed 12:16 p. m.  
Indianapolis, Order No. 2-F, Amendment No. 1; filed 12:25 p. m.  
Indianapolis, Order No. 3-F, Amendment No. 2; filed 12:25 p. m.  
Louisville, Order No. 8, Second Revised; filed 12:19 p. m.  
Louisville, Sec. Rev. Order No. 3, Amendment No. 1; filed 12:12 p. m.  
Saginaw, Order No. 1-F, Amendment No. 1; filed 12:20 p. m.

#### REGION IV

Jackson, Order No. 6, Amendment No. 8; filed 12:24 p. m.  
Memphis, Order No. 4-F, Amendment No. 5; filed 12:24 p. m.  
Nashville, Order No. 11; filed 12:24 p. m.  
Richmond, Order No. 3-F; filed 12:23 p. m.  
Savannah, Order No. 12; filed 12:07 p. m.

#### REGION VI

Bismarck, Order No. 3, Amendment No. 4; filed 12:05 p. m.  
Bismarck, Order No. 7, Amendment No. 1; filed 12:07 p. m.  
Bismarck, Order No. 7, Amendment No. 2; filed 12:06 p. m.  
Bismarck, Order No. 8, Amendment No. 1; filed 12:07 p. m.  
Bismarck, Order No. 8, Amendment No. 2; filed 12:06 p. m.  
Chicago, Order No. 4, Amendment No. 2; filed 12:04 p. m.  
Chicago, Order No. 4, Amendment No. 3; filed 12:05 p. m.  
Chicago, Order No. 5, Amendment No. 5; filed 12:05 p. m.  
Moline, Order No. 18; filed 12:04 p. m.  
Peoria, Order No. 8, Amendment No. 4; filed 12:13 p. m.  
Peoria, Order No. 3, Amendment No. 5; filed 12:02 p. m.  
Peoria, Order No. 4, Amendment No. 2; filed 12:12 p. m.  
Peoria, Order No. 5, Amendment No. 3; filed 12:12 p. m.  
Peoria, Order No. 8, Amendment No. 1; filed 12:13 p. m.  
Sioux Falls, Order No. 6, Amendment No. 1; filed 12:05 p. m.

#### REGION VIII

Fresno, Order No. 8, Amendment No. 1; filed 12:12 p. m.  
Los Angeles, Los Angeles-4, Amendment No. 13; filed 12:10 p. m.  
Los Angeles, Los Angeles-4, Amendment No. 14; filed 12:10 p. m.

Los Angeles, Los Angeles-4, Amendment No. 15; filed 12:16 p. m.  
Los Angeles, Santa Barbara-1, Amendment No. 9; filed 12:09 p. m.  
Los Angeles, Santa Barbara-1, Amendment No. 10; filed 12:09 p. m.  
Los Angeles, Santa Barbara-1, Amendment No. 11; filed 12:15 p. m.  
Los Angeles, San Bernardino-1, Amendment No. 11; filed 12:10 p. m.  
Los Angeles, San Bernardino-1, Amendment No. 12; filed 12:11 p. m.  
Los Angeles, San Bernardino-1, Amendment No. 13; filed 12:15 p. m.  
Phoenix, Order No. 3-F, Amendment No. 1; filed 12:07 p. m.  
Phoenix, Order No. 4-F, Amendment No. 1; filed 12:07 p. m.  
Phoenix, Order No. 6, Amendment No. 2; filed 12:14 p. m.  
Phoenix, Order No. 6-F; filed 12:09 p. m.  
Phoenix, Order No. 7, Amendment No. 1; filed 12:08 p. m.  
Phoenix, Order No. 7-F; filed 12:08 p. m.  
San Diego, Order No. 1-F, Amendment No. 6; filed 12:11 p. m.  
San Diego, Order No. 1-F, Amendment No. 7; filed 12:11 p. m.  
San Diego, Order No. 4, Amendment No. 8; filed 12:11 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-18466; Filed, November 16, 1943;  
11:59 a. m.]

[Region III Order G-6 Under RMPR 122]

### SOLID FUELS IN LIMA, OHIO

#### Correction

In F.R. Doc. 43-17913, appearing on page 15350 of the issue for Saturday, November 6, 1943, the first sentence of paragraph (h) in the first column should read "Every dealer subject to this order is governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation".

[Region IV Order G-10 under RMPR 122]

### SOLID FUELS IN VIRGINIA

#### Correction

In F.R. Doc. 43-17914, appearing on page 15352 of the issue for Saturday, November 6, 1943, the heading "Low Volatile Bituminous Coal from District No. 8" should appear over the second table in the middle column.

[Region VI Order G-98 Under 18 (c)]

### COAL HAULING IN NEW ROCKFORD, N. DAK.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) The maximum price for the hauling of coal from any dealer's yard to any consumer's bin in New Rockford, North Dakota shall be 75¢ per ton.

(b) The adjustment herein granted shall in no way affect the maximum



prices at present established for the sale of coal by dealers under the provisions of Maximum Price Regulation 122.

(c) This order may be revoked, amended or corrected at any time.

(d) This order shall be effective November 23, 1943.

(56 Stat. 23, 765, Pub. Laws 151, 78 Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 12th day of November 1943.

RAYMOND S. MCKEOUGH,  
Regional Administrator.

[F. R. Doc. 43-18469; Filed, November 16, 1943;  
12:04 p. m.]

[Region VII Order G-46 Under 18 (c),  
Amdt. 1]

#### FIREWOOD IN COLORADO

Order No. G-46 under § 1499.18 (c) of the General Maximum Price Regulation, Amendment No. 1. Adjustment of maximum prices for firewood sold anywhere within the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as Amended, § 1499.18 (c) of the General Maximum Price Regulation, and for the reason set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Paragraph (a) *What this order does* is amended and rewritten to read as follows:

(a) *What this order does.* This order No. G-46 makes a flat upward adjustment of 25% on firewood over the March, 1942 prices of all sellers in the State of Colorado who have established maximum prices for firewood under the General Maximum Price Regulation.

2. Paragraph (b) *Adjustment made* is amended and rewritten to read as follows:

(b) *Adjustment made.* From and after the effective date hereof, all sellers of firewood in the State of Colorado who have established their maximum prices for firewood in accordance with the General Maximum Price Regulation shall have as and for their maximum prices for firewood when sold anywhere within the State of Colorado such previously established maximum price multiplied by 1.25.

*Effective date.* This amendment shall become effective immediately upon the issuance thereof.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 12th day of November 1943.

R. BATTERTON,  
Acting Regional Administrator.

[F. R. Doc. 43-18468; Filed, November 16, 1943;  
12:03 p. m.]

[Region VIII Order G-2 Under MPR 136]

#### WOODWORKING MACHINERY MANUFACTURED BY DAVIS AND WELLS

Order No. G-2 under Maximum Price Regulation No. 136 as Amended. Ma-

chines and parts and machinery services. Adjusted maximum prices for woodworking machinery manufactured by Davis and Wells.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1390.25a of Maximum Price Regulation No. 136 as amended, it is hereby ordered:

(a) The adjusted maximum price at which any person may sell, for delivery within the Eighth Region of the Office of Price Administration, any of the machines hereinafter listed, manufactured by Davis and Wells, Los Angeles, California, shall be the particular seller's existing net maximum price after all appropriate discounts and allowances, as established under Maximum Price Regulation No. 136 as amended, plus the following addition for each such machine:

Machine:	Addition
Saw Table.....	\$28.47
6" Jointer.....	7.87
Boring Machine.....	22.63
20" Standard Band Saw.....	5.35
20" Metal Cutting Band Saw.....	26.57
Jointer Stand.....	2.72

(b) This order may be revoked, amended, or corrected at any time.

This order shall become effective November 13, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 8th day of November 1943.

L. F. GENTNER,  
Regional Administrator.

[F. R. Doc. 43-18467; Filed, November 16, 1943;  
12:03 p. m.]

[Region VII Order G-17 Under RMPR 122]

#### SOLID FUELS IN CERTAIN TRADE AREAS IN MONTANA

##### Correction

In F.R. Doc. 43-17900, appearing on page 15346 of the issue for Saturday, November 6, 1943, the following corrections are made:

In Table III the eighth line under the heading "Size" should read "#9-1 1/4 x 1/2 pea".

In Table IV the fifteenth line under the heading "Size" should read "#3-3" lump, 8" lump and 10x3 stove". The first line in the "Per ton" column should read "\$11.75", and the seventh and sixteenth lines in the "Per 1/2 ton" column should read "4.60" and "6.35", respectively.

In paragraph (5) under Table IV the reference to "Part 1 or Table V" should read "Part 1 of Table 5".

#### LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on November 15, 1943.

#### REGION I

Maine State, Order No. 8, Amendment No. 3; filed 3:50 p. m.  
Maine State, Order No. 9, Amendment No. 3; filed 3:50 p. m.  
Maine State, Order No. 10, Amendment No. 2; filed 3:50 p. m.

#### REGION II

Albany, Order No. 10, Amendment No. 1; filed 3:50 p. m.

#### REGION III

Cincinnati, Order No. 1-F, Amendment No. 3; filed 3:49 p. m.  
Cleveland, Order No. F-1, Amendment No. 5; filed 3:49 p. m.  
Iron Mountain, Order No. 1-F, Amendment No. 2; filed 3:48 p. m.  
Iron Mountain, Order No. 1-F, Amendment No. 3; filed 3:47 p. m.  
Iron Mountain, Order No. 2-F, Amendment No. 1; filed 3:47 p. m.  
Iron Mountain, Order No. 2-F, Amendment No. 2; filed 3:46 p. m.  
Iron Mountain, Order No. 3-F, Amendment No. 1; filed 3:47 p. m.  
Iron Mountain, Order No. 3-F, Amendment No. 2; filed 3:47 p. m.  
Iron Mountain, Order No. 4-F, Amendment No. 1; filed 3:45 p. m.  
Iron Mountain, Order No. 4-F, Amendment No. 2; filed 3:45 p. m.  
Iron Mountain, Order No. 5-F, Amendment No. 1; filed 3:44 p. m.  
Iron Mountain, Order No. 5-F, Amendment No. 2; filed 3:44 p. m.  
Iron Mountain, Order No. 6-F; filed 3:44 p. m.  
Iron Mountain, Order No. 6-F, Amendment No. 1; filed 3:44 p. m.  
Iron Mountain, Order No. 7-F; filed 3:45 p. m.  
Iron Mountain, Order No. 7-F, Amendment No. 1; filed 3:49 p. m.  
Iron Mountain, Order No. 8-F; filed 3:45 p. m.  
Iron Mountain, Order No. 8-F, Amendment No. 1; filed 3:48 p. m.  
Lexington, Order No. 1-F, Amendment No. 3; filed 3:49 p. m.  
Saginaw, Order No. 14, Amendment No. 8; filed 3:51 p. m.

#### REGION IV

Atlanta, Order No. 1-F, Amendment No. 1; filed 3:48 p. m.  
Atlanta, Order No. 2-F, Amendment No. 1; filed 3:48 p. m.  
Nashville, Order No. 2-F, Amendment No. 5; filed 3:49 p. m.  
South Carolina, Order No. 2-F; filed 3:50 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-18516; Filed, November 17, 1943;  
11:49 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-74, 59-69]

#### NORTH CONTINENT UTILITIES CORP AND SUBSIDIARIES

#### ORDER APPROVING PLAN AND DIRECTING ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of November, A. D. 1943.



North Continent Utilities Corporation and subsidiary companies having filed an application and amendments thereto, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan designed to effect compliance by the North Continent system with the provisions of section 11 (b) of said Act and having requested the Commission, pursuant to section 11 (e) of the Act, to apply to a court, in accordance with the provisions of subsection (f) of section 18 of the Act, to enforce and carry out the terms and provisions of said plan;

The Commission having, on May 20, 1943 instituted proceedings under section 11 (b) of the Act involving North Continent Utilities Corporation and subsidiary companies to determine what action should be required to be taken by such companies under such section and having ordered a consolidation of such proceedings with the proceedings involving the plan filed by North Continent Utilities Corporation and subsidiaries, pursuant to section 11 (e);

A preferred stockholders' committee, consisting of Frank D. Bennett, Oliver F. Baldwin, Joseph W. Frank, Leo W. Rahn, and Charles A. Vette, having filed an application to intervene in such proceedings;

A public hearing having been held after appropriate notice and the Commission having examined the record and having made and filed its opinion herein;

It is ordered, That North Continent Utilities Corporation shall take such action as may be necessary to cause its liquidation and dissolution.

It is further ordered, That the plan filed by North Continent Utilities Corporation and subsidiaries pursuant to section 11 (e) be, and hereby is, approved, jurisdiction being reserved, however, as to the treatment to be accorded North Continent's preferred stock and common stock, any possible satisfaction of the bonds and preferred stock of North Continent through the distribution of subsidiary securities in kind, any steps taken to effectuate disposition of North Continent's assets, the proposal to merge, consolidate, or combine Great Falls Gas Company, Great Northern Utilities Company, and Southern Utilities Company, Ltd., the reasonableness of all fees and expenses, and for the purpose of entertaining such further proceedings and entering such further orders as may be necessary or appropriate to insure that the action hereinbefore ordered and approved is accomplished in a manner consistent with the public interest and with the provisions of the Public Utility Holding Company Act of 1935.

It is further ordered, That North Continent Utilities Corporation shall submit to the Commission, prior to release, copies of any material sent to North Continent's First Lien Collateral and Refunding bondholders, and copies of the legend or certificate to be stamped or affixed on said bonds, setting forth a

summary of the terms and provisions of the plan herein approved; and that the material sent to bondholders shall include a copy of the Commission's findings, opinion, and order herein.

It is further ordered, That this order shall not be operative to authorize the consummation of any transactions proposed in the plan until an appropriate United States District Court shall, upon application of the Commission thereto, enter an order enforcing the plan herein approved.

It is further ordered, That the application of said preferred stockholders' committee for intervention be, and hereby is, denied without prejudice to the ruling of the trial examiner granting such committee permission to be heard in such proceeding and to file a brief.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-18510; Filed, November 17, 1943;  
11:41 a. m.]

### SELECTIVE SERVICE SYSTEM.

[Camp Order 124]

#### STOCKLEY PROJECT, DEL.

#### ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8675, 6 F.R. 831, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission under Administrative Order No. 26, 7 F.R. 10512, hereby designate the Stockley Project to be work of national importance, to be known as Civilian Public Service Camp No. 124. Said project, located at Stockley, Sussex County, Delaware, will be the base of operations for work at the Delaware Colony, an institution under the State mental hospital system of Delaware, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Stockley Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Delaware Colony, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Delaware Colony. Administrative and directive control shall

be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,  
Director.

NOVEMBER 15, 1943.

[F. R. Doc. 43-18526; Filed, November 17, 1943;  
12:05 p. m.]

### WAR PRODUCTION BOARD.

[Certificate 159]

TOPEKA, KANS., FLORISTS

APPROVAL OF ODT PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Clapier's Flower Shop and certain others in the transportation and delivery of flowers and related articles by motor vehicle in Topeka, Kansas, and certain suburbs.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

NOVEMBER 12, 1943.

[F. R. Doc. 43-18504; Filed, November 17, 1943;  
11:40 a. m.]

[Certificate 160]

MOTOR CARRIERS IN OKLAHOMA

APPROVAL OF ODT PLAN

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 3, Revised-78, issued by the Director of the Office of Defense Transportation with respect to coordination of operations by certain common carriers of property by motor vehicle between points in Oklahoma.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised-78, is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

NOVEMBER 12, 1943.

[F. R. Doc. 43-18505; Filed, November 17, 1943;  
11:42 a. m.]

<sup>1</sup>Supra.



[Certificate 161]

## DESIGNATED FLORISTS IN DALLAS, TEX.

## APPROVAL OF ODT PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Flower-A-Day and Highland Park Greenhouses in the transportation and delivery by motor vehicle of flowers and related articles in the Dallas, Texas, area.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

NOVEMBER 12, 1943.

[F. R. Doc. 43-18506; Filed, November 17, 1943;  
11:41 a. m.]

<sup>1</sup> *Supra.*

[Certificate 163]

## RENDERING COMPANIES IN IOWA

## APPROVAL OF ODT PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Morning Sun Rendering Company and certain others in the transportation and delivery by motor vehicle of dead animals, waste fats and greases in Iowa.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 7th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

NOVEMBER 12, 1943.

[F. R. Doc. 43-18507; Filed, November 17, 1943;  
11:40 a. m.]

[Certificate 164]

## MILK DISTRIBUTORS OF MIDDLETOWN, OHIO

## APPROVAL OF ODT PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Avalon Dairy and certain others in the transportation and delivery by motor vehicle of dairy products in Middletown, Ohio.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

NOVEMBER 12, 1943.

[F. R. Doc. 43-18508; Filed, November 17, 1943;  
11:40 a. m.]











